



# A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960

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# A SOCIAL HISTORY OF EVERYDAY PRACTICE: SADIE T.M. ALEXANDER AND THE INCORPORATION OF BLACK WOMEN INTO THE AMERICAN LEGAL PROFESSION, 1925–1960

*Kenneth Walter Mack*<sup>†</sup>

*This Article presents a humanist social history of the everyday professional lives of Sadie T.M. Alexander and her peers at the early twentieth-century black women's bar, contending that a finely-detailed analysis of quotidian law practice reveals the methodological limitations of the reigning interpretations of the history of the American bar during this period. Alexander and her peers' professional lives were hemmed in by race- and gender-based structural features of the bar, as the received interpretations of the period would predict, but those professional lives were also shaped by an under-theorized social milieu of race and class formation, gender role contestation, lawyer-client conflict, and day-to-day professional relationships. That social milieu would provide Alexander and her peers with tools that would enable them to obtain a surprising, and often ironic, degree of power and prestige in the profession—surprising, at least, from the perspective of the dominant interpretive paradigm for the bar in this period.*

## INTRODUCTION

In April of 1939, Sadie Tanner Mossell Alexander, Pennsylvania's first and only black woman lawyer, began corresponding with several dozen African American women attorneys practicing law in the United States. After slightly more than a decade of practice in Philadelphia, Alexander was on her way to a career that would place her

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among the most noteworthy women lawyers of her era. Having obtained her B.S. (1918), M.S. (1919), Ph.D. (economics, 1921), and J.D. (1927) from the University of Pennsylvania,<sup>1</sup> she could already count herself as one of the most highly educated women of her time, and one of the relatively few to establish herself successfully in the private practice of law. After law school, she joined the prestigious African American law firm founded in 1923 by her husband, Raymond Pace Alexander, where she became a well-respected practitioner of probate and domestic relations law.<sup>2</sup> Sadie Alexander practiced there until the firm's demise in 1959, after which she created her own firm.<sup>3</sup> During that time the Alexander firm was Philadelphia's leading civil rights law firm—litigating desegregation cases, defending racially biased criminal prosecutions, mobilizing community support for integration, and lobbying legislators and public officials for changes in civil rights laws and policies.<sup>4</sup>

It was Sadie Alexander's activities outside the firm, however, that established her reputation on a national scale. She served for twenty-five years as the secretary of the National Urban League, and was elected to the national board of the ACLU.<sup>5</sup> In 1946, President Harry Truman appointed Alexander to his President's Committee on Civil Rights. The Committee's report, *To Secure These Rights*,<sup>6</sup> was one of the most important documents of the post-World War II civil rights movement. In 1952, she was appointed to the Philadelphia Commission on Human Relations, the city's watchdog agency on civil rights issues.<sup>7</sup> After becoming its chair in 1962, she remained involved in the local and national civil rights movements, campaigning against housing discrimination and police brutality in the city and joining Martin Luther King, Jr. in the historic 1965 Selma-to-Montgomery march.<sup>8</sup> Alexander rounded out her career at the age of 81, when President Jimmy Carter appointed her to chair the White House Conference on Aging

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<sup>1</sup> See Curriculum Vitae of Sadie T.M. Alexander 1 (n.d.) (Sadie Tanner Mossell Alexander Papers, Box 13, on file with the University of Pennsylvania Archives and Records Center). Hereinafter, locations in the Sadie Tanner Mossell Alexander Papers will be designated parenthetically as STMA, followed by a number that indicates the box in which the documents are stored at the University of Pennsylvania Archives and Records Center, e.g., (STMA1).

<sup>2</sup> See Sadie T.M. Alexander, Answer to Personal Data Questionnaire of the Judicial Nominating Committee 1-2 (1964) (STMA1) [hereinafter Personal Data Questionnaire].

<sup>3</sup> See Curriculum Vitae of Sadie T.M. Alexander, *supra* note 1, at 1.

<sup>4</sup> See *infra* note 342 and accompanying text.

<sup>5</sup> See Curriculum Vitae of Sadie T.M. Alexander, *supra* note 1, at 2-3.

<sup>6</sup> PRESIDENT'S COMM. ON CIVIL RIGHTS, *TO SECURE THESE RIGHTS: THE REPORT OF THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS* (1947) [hereinafter *TO SECURE THESE RIGHTS*].

<sup>7</sup> See Curriculum Vitae of Sadie T.M. Alexander, *supra* note 1, at 3.

<sup>8</sup> See *id.* at 2-3.

in 1978.<sup>9</sup> When she passed away in 1989 at the age of ninety-one, news of her death was carried nationally.<sup>10</sup> She and her husband left behind a collection of personal and professional papers that constitute the largest collection of black lawyers' papers in the country, which scholars are only now beginning to examine.

In 1939, however, this was all still ahead of her, and Sadie Alexander's correspondence with her black women lawyer peers focused on more mundane issues. Alexander initiated the correspondence by sending out form letters, asking for information on black women's law practices, and initiating a fledgling professional network among women who previously knew little about each other. She discovered fifty-seven African American women admitted to practice by the time she published the results of her research in 1941.<sup>11</sup> Not surprisingly, they were clustered in the urban centers of Chicago, New York City, and Washington, D.C., where large numbers of both black and women lawyers had begun to practice, as well as scattered throughout other black population hubs in the North, Midwest and California.<sup>12</sup> A few also practiced in Virginia.<sup>13</sup> Alexander wrote with evident pride about the accomplishments of women who were becoming respected practitioners, such as Jane Bolin, Yale Law School's first black woman graduate, who had established herself in private practice in Poughkeepsie and New York City before securing a position as trial counsel in the New York City Corporation Counsel's office.<sup>14</sup> While in private practice, Bolin succeeded where even Alexander failed, affiliating herself with a firm where her name appeared on the firm's letterhead—Mizelle &

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<sup>9</sup> C. Gerald Fraser, *Sadie T.M. Alexander, 91, Dies; Lawyer and Civil Rights Advocate*, N.Y. TIMES, Nov. 3, 1989, at D18.

<sup>10</sup> For summaries of Sadie Alexander's many accomplishments, see Kenneth Walter Mack, *Sadie Tanner Mossell Alexander*, in NOTABLE AMERICAN WOMEN 1976-2000: A BIOGRAPHICAL DICTIONARY (Susan Ware ed., forthcoming 2002); Fraser, *supra* note 9; Myrna Oliver, *Sadie Alexander; Pioneered Opportunities for Blacks*, L.A. TIMES, Nov. 7, 1989, at A26; and Donna St. George, *Lawyer Sadie Alexander, a Black Pioneer, Dies at 91*, PHILA. INQUIRER, Nov. 3, 1989, at 1-A.

<sup>11</sup> See Sadie Tanner Mossell Alexander, *Women as Practitioners of Law in the United States*, 1 NAT'L B.J. 56, 61 (1941). The exact number of black women lawyers remains unclear. Alexander states in her article that she located fifty-seven, while the table at the end of the article lists fifty-eight, although several were recently deceased. *Id.* at 61-64. The 1940 census recorded thirty-nine black women lawyers in the workforce. J. CLAY SMITH, JR., EMANCIPATION: THE MAKING OF THE BLACK LAWYER 1844-1944, at 636-37 (1993). In 1935, Edith Spurlock Sampson, one of Alexander's contemporaries at the black women's bar, conducted her own count and discovered thirty-five black women lawyers. See Edith Spurlock Sampson, *Legal Profession Followed by Nation's Best Known Socialites*, CHI. DEFENDER, May 4, 1935, at 25, reprinted in REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS 16 (J. Clay Smith, Jr. ed., 1998).

<sup>12</sup> Alexander, *supra* note 11, at 61-64.

<sup>13</sup> *Id.*

<sup>14</sup> Letter from Jane M. Bolin to Sadie T. Mosell [sic] Alexander (Apr. 25, 1939) (STMA13).

Bolin.<sup>15</sup> Eunice Hunton Carter also corresponded with Alexander about her pursuit of a career that was unusual for a woman in the 1930s: first, as a low-level criminal prosecutor in New York City, and later as a trial attorney in New York prosecutor Thomas Dewey's anti-racketeering office.<sup>16</sup> Alexander herself was a well-known attorney in her native Philadelphia. Before the 1920s, when Sadie Alexander's generation of black women lawyers began practicing, few, if any, black women practiced law full time. However, two decades later, dozens were in full-time practice, and many were building careers that would earn them the envy, and sometimes hostility, of their male colleagues.<sup>17</sup>

This Article contends that a careful and nuanced analysis of the professional lives of this small group of black women lawyers challenges the prevailing interpretation of the history and sociology of the early twentieth-century American legal profession. The leading interpreters of this period share many of the assumptions of *Unequal Justice*, Jerold Auerbach's influential history of the twentieth-century American bar.<sup>18</sup> Auerbach argued that unprecedented demographic changes in the turn-of-the-century American bar—the entry of ethnic and religious minorities into the profession in large numbers—provoked a hostile response from the profession's elite.<sup>19</sup> Native-born lawyers' concerns about the profession's ethnic composition led to new standards for law school accreditation, pre-legal and legal education, and bar admission that helped exclude immigrants from the profession.<sup>20</sup> The mainstream bar's hostile response to the growth of personal injury litigation in the early twentieth century was partly a reaction to the new modes of practice through which many immigrant lawyers made their living.<sup>21</sup> Another defining moment occurred in 1912, when the admission of just three black lawyers to the American Bar Association caused the organization to adopt a resolution that effectively barred African Americans from its membership for the next several decades.<sup>22</sup> Similarly, studies of women's entry into the profes-

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<sup>15</sup> *Id.*

<sup>16</sup> See Letter from Eunice H. Carter to Sadie T. Mossell Alexander (Apr. 26, 1939) (STMA13). Carter's grandson, Stephen L. Carter, became Yale Law School's first tenured black professor. STEPHEN L. CARTER, REFLECTIONS OF AN AFFIRMATIVE ACTION BABY 56 (1991); Interview with Stephen L. Carter, Yale Law School (Feb. 7, 2000).

<sup>17</sup> See, e.g., Alexander, *supra* note 11; Letter from Jane M. Bolin to Sadie T. Mosell [sic] Alexander, *supra* note 14; Letter from Eunice H. Carter to Sadie T. Mossell Alexander, *supra* note 16.

<sup>18</sup> JEROLD S. AUERBACH, UNEQUAL JUSTICE: LAWYERS AND SOCIAL CHANGE IN MODERN AMERICA (1976).

<sup>19</sup> See *id.* at 40–73.

<sup>20</sup> See RICHARD L. ABEL, AMERICAN LAWYERS 85 (1989).

<sup>21</sup> See AUERBACH, *supra* note 18, at 41–51.

<sup>22</sup> *Id.* at 65–66.

sion have found that the bar's structure and ideology steered women toward unprofitable and low-prestige areas of practice, and that women lawyers were particularly unwelcome in the courtroom.<sup>23</sup> With regard to these women's experiences in the profession, a number of scholars, influenced by the work of the eminent women's historian, Nancy Cott, have argued that the male-dominated bar was particularly cruel, promising equality in its professional dogmas but delivering careers that led to frustration and marginalization.<sup>24</sup>

The interpretive stance of this Article does not quarrel with most of these factual descriptions, but rather differs with the methodology that lies behind them. Most analyses of the bar in this period focus on the ideologies of elite lawyers and the structure of the profession as their preferred sites of historical and social inquiry. The unstated assumption of much of this literature is that the professional identities of lawyers are formed largely by these ideologies and professional structures. Thus, the professional worlds of early twentieth-century immigrant lawyers were largely defined by their exclusion from high-prestige practice, and those of women lawyers were mainly defined by the gender segmentation that prevailed within the profession.<sup>25</sup> As women who were doubly marginalized by the intersection of race and gender prejudices, the professional lives of Sadie Alexander and her black women lawyer peers should encapsulate this story of exclusion and frustration. Professional advancement, which was precarious enough for white women, would seem all but impossible with the added impediment of race. The analysis presented here, however, reaches the opposite conclusion. Peering behind the veil of gender- and race-based discrimination, it finds a rich and complex professional world where black women lawyers' identities were constituted as much by everyday interactions with professional colleagues, judges, clients, and opponents as by the structural features of an exclusionary bar. Explicating this quotidian world of gender role contestation, lawyer-client conflict, professional relationships, and other features of black professional life, this Article argues that Alexander and her peers were able to obtain a surprising, and often ironic, degree of power and prestige in the profession—surprising, at least, from the

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<sup>23</sup> See, e.g., VIRGINIA G. DRACHMAN, *SISTERS IN LAW: WOMEN LAWYERS IN MODERN AMERICAN HISTORY* 215–25 (1998).

<sup>24</sup> See NANCY F. COTT, *THE GROUNDING OF MODERN FEMINISM* 215–39 (1987); DRACHMAN, *supra* note 23, at 191–249; Barbara Allen Babcock, *Feminist Lawyers*, 50 STAN. L. REV. 1689, 1702 (1998) (reviewing DRACHMAN, *supra* note 23); see also PATRICIA M. HUMMER, *THE DECADE OF ELUSIVE PROMISE: PROFESSIONAL WOMEN IN THE UNITED STATES, 1920–1930*, at 136–37 (1979) (suggesting that extreme opposition from the male-dominated bar discouraged women from actively seeking to improve their professional status through mobilization).

<sup>25</sup> See sources cited *supra* note 24.

perspective of the dominant interpretive paradigm for the bar in this period.<sup>26</sup>

The dominant paradigm's privileging of bar associations and elite lawyers is rooted in the prevailing methodological approach to the history and sociology of the legal profession. Recent scholarship in this area has applied a critical lens to the analysis of the profession, in large part superseding an earlier body of work that focused on the functions that the bar provided in a modernizing society.<sup>27</sup> This newer, critical work has provided tantalizing insights into the structure of the American bar, the comparative analysis of national legal professions, and the ideological conflicts of elite lawyers in the United States and elsewhere.<sup>28</sup> At the same time, many legal historians have begun calling for, and practicing, legal history "from below," arguing that social history (often encompassed in the voices of outsiders in the law) performs a critical function by complicating and informing the dominant narratives of legal history. These social historians of American law argue that analyses of the everyday experiences of outsiders—workers, women, ethnic and racial minorities—critically contribute to a full and nuanced picture of the history of American law and sociolegal change.<sup>29</sup> With few exceptions, the methodologies of the social historians have yet to be applied to the history of the legal profession.

This Article begins the difficult task of bridging the gap between the work of social historians and the prevailing approach to the sociology and history of the legal profession. Almost nothing is known about day-to-day law practice in America before the 1960s for lawyers of any demographic group, aside from a limited number of works that

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<sup>26</sup> For more on everyday life as a locus of sociolegal analysis, see Austin Sarat & Thomas R. Kearns, *Editorial Introduction*, and *Beyond the Great Divide: Forms of Legal Scholarship and Everyday Life*, in *LAW IN EVERYDAY LIFE* 1, 1-61 (Austin Sarat & Thomas R. Kearns eds., 1993); Austin Sarat et al., *Ideas of the "Everyday" and the "Trouble Case" in Law and Society Scholarship: An Introduction*, in *EVERYDAY PRACTICES AND TROUBLE CASES* 1 (Austin Sarat et al. eds., 1998).

<sup>27</sup> See, e.g., JAMES WILLARD HURST, *THE GROWTH OF AMERICAN LAW: THE LAW MAKERS* 333-75 (1950).

<sup>28</sup> For surveys of the newer work on the legal profession, see *LAWYERS IN SOCIETY: AN OVERVIEW* 221-80 (Richard L. Abel & Philip S.C. Lewis eds., 1995); and Robert L. Nelson & David M. Trubek, *New Problems and New Paradigms in Studies of the Legal Profession*, in *LAWYERS' IDEALS/LAWYERS' PRACTICES: TRANSFORMATION IN THE AMERICAN LEGAL PROFESSION* 1 (Robert L. Nelson et al. eds., 1992).

<sup>29</sup> See, e.g., Laura F. Edwards, "*The Marriage Covenant is at the Foundation of All Our Rights*": *The Politics of Slave Marriages in North Carolina After Emancipation*, 14 *LAW & HIST. REV.* 81 (1996); William E. Forbath, *The Shaping of the American Labor Movement*, 102 *HARV. L. REV.* 1109 (1989); Ariela J. Gross, *Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South*, 108 *YALE L.J.* 109 (1998); Kenneth W. Mack, *Law, Society, Identity, and the Making of the Jim Crow South: Travel and Segregation on Tennessee Railroads, 1875-1905*, 24 *LAW & SOC. INQUIRY* 377 (1999). See generally William Forbath et al., *Introduction: Legal Histories from Below*, 1985 *WIS. L. REV.* 759 (calling for development of the social history of law).



deal with lawyers at large law firms and a few lawyer-politicians such as Abraham Lincoln.<sup>30</sup> The social history of the American legal profession has yet to be written, and this Article addresses some fundamental but unexamined questions about this history: How did (and do) outsiders respond to professional exclusion and discrimination? How did marginalized groups negotiate the limited professional terrain available to them? How did excluded groups carve out a space for professional autonomy as they took their places in previously inaccessible professions? These historical questions have become even more pressing during the past three decades, as the American bar has undergone a transformation in its racial, gender, and ethnic demographics that, in some ways, mirrors the transformation of the early twentieth century, but dwarfs it in scale. The majority of the 2001 entering class of law students, for instance, was most likely composed of women, presaging a future profession that may be dominated by members of a previously excluded group.<sup>31</sup> Despite their numbers, many of these newcomers, like their early twentieth-century predecessors, will encounter structural and ideological impediments to professional advancement.<sup>32</sup>

This Article employs a thick analysis of the early years of Sadie Alexander's law practice and those of her peers at the black women's bar. The Article takes as its premise that such a thick analysis of everyday law practice is needed to capture the complicated relationship between elites and outsiders at the early twentieth-century bar. Part I explores women's entry into the legal profession between 1869 and 1920, analyzing the structural and ideological factors that limited their opportunities within the bar. Part II offers a detailed analysis of the day-to-day world of a black woman lawyer in the 1920s and 1930s. Part II in some measure confirms the accepted story of professional subordination, but argues that there were many ambiguities inherent in the everyday practice of law for these women—ambiguities that allowed

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<sup>30</sup> Some attention has been paid to lawyers at large law firms. See, e.g., I–III ROBERT T. SWAINE, *THE CRAVATH FIRM AND ITS PREDECESSORS 1819–1948* (1946, 1948, 1964); Robert Gordon, *"The Ideal and the Actual in the Law": Fantasies and Practices of New York City Lawyers, 1870–1910*, in *THE NEW HIGH PRIESTS: LAWYERS IN POST-CIVIL WAR AMERICA* 51–74 (Gerard W. Gawalt ed., 1984). The scholarship on lawyer-politicians tends to focus on political careers rather than law practice, although there are some exceptions. See, e.g., *THE LAW PRACTICE OF ABRAHAM LINCOLN: COMPLETE DOCUMENTARY EDITION* (Martha L. Benner & Cullom Davis eds., 2000) (University of Illinois Press CD-ROM). One work that does analyze the day-to-day professional world of outsider lawyers is Louis Anthes, *Bohemian Justice: The Path of Law in Immigrant New York, 1870–1940* (2000) (unpublished Ph.D. dissertation, New York University) (on file with author) (analyzing Jewish and Italian lawyers).

<sup>31</sup> See Jonathan D. Glater, *Women Are Close to Being a Majority of Law Students*, N.Y. TIMES, Mar. 26, 2001, at A1.

<sup>32</sup> See, e.g., David B. Wilkins & G. Mitu Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis*, 84 CAL. L. REV. 496 (1996).

them to carve out unexpected roles for themselves in the profession. Part III explores these new roles in depth, arguing that, in some ways, the new roles that Alexander and her peers fashioned for themselves held more potential for professional advancement than the career paths of their black male colleagues at the bar. Part IV expands the scope of Part III both geographically and temporally, analyzing the careers of black women lawyers in cities other than Philadelphia and charting differences in professional outlook between Alexander's correspondents and the next generation of black women lawyers. Part V offers some concluding observations about the significance of Alexander's career.

Sadie Alexander and her peers have much to teach about a world that remains largely obscured in academic scholarship—the everyday world of the historically situated lawyer. This “bottom-up” analysis of their professional lives calls into question the dominant narrative of professional exclusion applied to women lawyers in this period. Without such social histories of day-to-day life in the profession, the analysis of important historical and sociological phenomena, such as the integration of new groups into the profession, will remain both incomplete and inaccurate. Black women challenge our expectations in this area, as they have in so many others.<sup>33</sup>

# I

## WOMEN JOIN THE AMERICAN LEGAL PROFESSION: 1869 TO 1920

The story of Sadie Alexander and her correspondents' encounter with the legal profession begins not in the 1920s, when they began to practice, but where Alexander herself located its beginnings in her 1941 article—with the nineteenth-century case of Myra Bradwell, and the stories of other post-Civil War women who began to contest their exclusion from the legal profession.<sup>34</sup> Arabella Mansfield became the first woman licensed to practice law in America when she secured bar admission in Iowa in June 1869, and Myra Bradwell was one of many women who sought to follow Mansfield's lead later that year.<sup>35</sup>

<sup>33</sup> A number of works explore the intersectionality of race, gender, and black women's experiences with the law. See, e.g., Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139; Judy Scales-Trent, *Black Women and the Constitution: Finding Our Place, Asserting Our Rights*, 24 HARV. C.R.-C.L. L. REV. 9 (1989). See generally CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 1997) (collecting such works).

<sup>34</sup> See Alexander, *supra* note 11, at 58–61.

<sup>35</sup> See *id.* at 58–59. There are other possible places to begin the story. Black and white women had a long history of encounters with the American legal system, both as advocates and litigants, that predated Mansfield's admission. See KAREN BERGER MORELLO, *THE INVISIBLE BAR: THE WOMAN LAWYER IN AMERICA 1638 TO THE PRESENT* 3–8 (1986); J. Clay Smith,

Bradwell litigated her case for admission to the Illinois bar up to the United States Supreme Court, where her case was argued and decided along with the *Slaughter-House Cases*.<sup>36</sup> The Court rejected Myra Bradwell's argument that her desire to practice law was protected from state interference by the Privileges and Immunities Clause of the Fourteenth Amendment, relying on *Slaughter-House's* narrow interpretation of that clause.<sup>37</sup> Justice Bradley's concurrence, however, became the more famous, or infamous, opinion to emerge from *Bradwell v. State*.<sup>38</sup> Bradley's opinion reproduced the sociolegal consciousness of numerous postbellum judges who were busy rejecting the claims of women who sought admission to the bar. He argued that a woman's natural role in society was that of wife and mother, and the practice of law would conflict with that role; women were frail and ill-suited to the rough-and-tumble of courtroom advocacy and commercial life; and married women's legal disabilities (including restrictions on their right to make contracts without their husbands' consent) precluded them from performing their duties as lawyers.<sup>39</sup> Bradley and his colleagues, however, did not have the last word on the subject. The Supreme Court's decision in Myra Bradwell's case forced women to struggle for admission state-by-state, petitioning courts and lobbying state legislatures for their inclusion in bar admission laws. Their ef-

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Jr., *Introduction: Law Is No Mystery to Black Women*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS*, *supra* note 11, at 1, 1-5. Mansfield's admission, however, is generally considered to be the beginning of women's formal entry into the profession.

<sup>36</sup> 83 U.S. (16 Wall.) 36 (1872).

<sup>37</sup> See *Bradwell v. State*, 83 U.S. (16 Wall.) 130, 138-39 (1872).

<sup>38</sup> *Id.* at 139-42 (Bradley, J., concurring).

<sup>39</sup> See *id.* (Bradley, J., concurring). Bradley's forceful opinion in *Bradwell's* case may have been motivated by his *Slaughter-House* dissent. See 83 U.S. (16 Wall.) at 111-24 (Bradley, J., dissenting). Having argued in *Slaughter-House* that states may not arbitrarily restrict butchers from pursuing their professional calling, Bradley may have felt compelled to carefully explain why he concurred in a seemingly opposite result when it came to women lawyers. Bradley's views reflected the ideologies of separate spheres and coverture, which had helped define a woman's place in America since the market revolution of the early nineteenth century. For more on separate spheres and coverture, see NANCY F. COTT, *THE BONDS OF WOMANHOOD: "WOMAN'S SPHERE" IN NEW ENGLAND, 1780-1835*, at 197-206 (2d. ed. 1997); and HENDRIK HARTOG, *MAN AND WIFE IN AMERICA: A HISTORY* 115-22 (2000). Some groups of women, including black women, remained outside this ideology of women's separate spheres and delicate natures, in the opinion of most white Americans. Like Irish women, they had a long tradition of working outside the home. See, e.g., JACQUELINE JONES, *LABOR OF LOVE, LABOR OF SORROW: BLACK WOMEN, WORK, AND THE FAMILY FROM SLAVERY TO THE PRESENT* 155-65 (1985); Sadie T.M. Alexander, *Negro Women in Our Economic Life*, 8 *OPPORTUNITY: J. NEGRO LIFE* 201 (1930). The disproportionate participation of black women in the workforce did not correlate with the achievement of professional status. The overwhelming proportion of black women entering the labor force in the early twentieth century were confined to domestic work. See ALICE KESSLER-HARRIS, *OUT TO WORK: A HISTORY OF WAGE-EARNING WOMEN IN THE UNITED STATES* 237-38 (1982); Elizabeth Higginbotham, *Employment for Professional Black Women in the Twentieth Century*, in *INGREDIENTS FOR WOMEN'S EMPLOYMENT POLICY* 73, 75-76 (Christine Bose & Glenna Spitze eds., 1987).

forts were gradually rewarded over the next fifty years, and by the 1920s, when Sadie Alexander's generation entered the practice of law, women had secured the right to practice in every state in the Union.<sup>40</sup>

Justice Bradley's vision of women as unsuited to perform as attorneys continued to bedevil women lawyers even after they were admitted to the profession. Late nineteenth-century women lawyers were members of a profession that viewed itself, according to historian Michael Grossberg, as a masculine fraternity, with courtroom advocacy as the paradigmatic site in which the bar inculcated manly values.<sup>41</sup> Until women were admitted to the profession, courtrooms were battlefields where men engaged in forensic warfare in front of all-male juries and judiciaries.<sup>42</sup> Many men objected to the presence of women in late nineteenth-century courtrooms, and by the turn of the century a pattern was evident. Women lawyers had made little progress in entering practice areas, such as criminal and personal injury law, that required courtroom appearances. Overwhelming percentages of women were engaged in general office practice, specializing in probate, real estate, and domestic relations law.<sup>43</sup> Many practiced with their husbands and handled the firm's office work, research, and brief writing while the men appeared in court.<sup>44</sup> Some of these wives even became office managers, handling the firm's record keeping, typing, and other day-to-day support tasks.<sup>45</sup> This type of arrangement replicated the fate of thousands of women entering the workforce, who feminized the clerical segment of the labor force as typing and bookkeeping were transformed into women's work.<sup>46</sup> Women lawyers' specializations in office practice and office management went hand-in-hand with the emerging idea that women were particularly well suited for routinized and detailed tasks.<sup>47</sup>

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<sup>40</sup> See RONALD CHESTER, *UNEQUAL ACCESS: WOMEN LAWYERS IN A CHANGING AMERICA* 8 (1985); MORELLO, *supra* note 35, at 11–14 (describing Belle Babb Mansfield's admission to the bar, which made her the first woman lawyer to be formally recognized in the United States).

<sup>41</sup> See Michael Grossberg, *Institutionalizing Masculinity: The Law as a Masculine Profession*, in *MEANINGS FOR MANHOOD: CONSTRUCTIONS OF MASCULINITY IN VICTORIAN AMERICA* 133 (Mark C. Carnes & Clyde Griffen eds., 1990).

<sup>42</sup> See *id.* at 139–43.

<sup>43</sup> See BEATRICE DOERSCHUK, *WOMEN IN THE LAW: AN ANALYSIS OF TRAINING, PRACTICE AND SALARIED POSITIONS* 43–44 (1920).

<sup>44</sup> See Virginia G. Drachman, "My 'Partner' in Law and Life": *Marriage in the Lives of Women Lawyers in Late 19th- and Early 20th-Century America*, 14 *LAW & SOC. INQUIRY* 221, 236–38 (1989).

<sup>45</sup> See *id.*

<sup>46</sup> See SHARON HARTMAN STROM, *BEYOND THE TYPEWRITER: GENDER, CLASS, AND THE ORIGINS OF MODERN AMERICAN OFFICE WORK, 1900–1930*, at 82–85 (1992).

<sup>47</sup> See DRACHMAN, *supra* note 23, at 84; STROM, *supra* note 46, at 173. Turn-of-the-century women lawyers did not agree among themselves on whether the perception that they were suited to detail work had a liberating or constraining effect on their professional aspirations. See DOERSCHUK, *supra* note 43, at 43–44.

At the turn of the century, this gender differentiation within the legal profession acquired greater force with the establishment of women's law schools and women's courts. Portia Law School in Boston and Washington College of Law in the District of Columbia opened their doors to women, as municipalities created specialized women's and juvenile courts where a female litigant might appear in front of a woman judge and be represented by a woman attorney.<sup>48</sup> The profession's structure and ideology steered women lawyers toward work that looked as much like home as possible, as the expectations that women would not work were transformed into a grudging acceptance of niches within the profession created especially for them.<sup>49</sup>

Despite this emerging gender separation at the bar, by 1920 the legal profession had cleared far more space for women lawyers than Justice Bradley could have imagined a half century earlier. The nation's 1,738 women lawyers, while constituting only 1.4% of the profession,<sup>50</sup> were located in jurisdictions across the country, with large numbers clustered in New York, Chicago, Washington, D.C., and Boston—cities with both large markets for legal services and law schools willing to train women.<sup>51</sup> Thirty-five hundred more graduated from law school during the 1920s, although many did not find work in their profession.<sup>52</sup> While these women were almost completely shut out of large corporate law firms until World War II, they were making inroads in other practice settings. One survey found about one-third of women lawyers in solo practice in 1920, with an additional twenty percent practicing in firms, ten percent working for government entities, and ten percent employed in business.<sup>53</sup> The median annual income for survey participants was \$2,000, a salary that lagged substantially behind the compensation of the average male practitioner in the

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<sup>48</sup> See DRACHMAN, *supra* note 23, at 149–67, 229–34. Washington College of Law was co-ed, although founded and intended for women. See *id.* at 149–50. Cambridge Law School for Women, founded by a Harvard law professor, also had a short-lived existence in the 1910s. See *id.* at 162–66.

<sup>49</sup> See DOERSCHUK, *supra* note 43, at 43–45; DRACHMAN, *supra* note 23, at 84. For more on the structural phenomena that help segregate women lawyers into low-prestige, low-status areas of practice, see Carrie Menkel-Meadow, *Excluded Voices: New Voices in the Legal Profession Making New Voices in the Law*, 42 U. MIAMI L. REV. 29, 41 (1987); Carrie Menkel-Meadow, *Exploring a Research Agenda of the Feminization of the Legal Profession: Theories of Gender and Social Change*, 14 LAW & SOC. INQUIRY 289, 311–12 (1989).

<sup>50</sup> See SMITH, *supra* note 11, at 630.

<sup>51</sup> See DRACHMAN, *supra* note 23, at 255 tbl.1.

<sup>52</sup> See HUMMER, *supra* note 24, at 94. The number of women law school graduates during the 1920s far exceeded the increase in the population of women lawyers recorded by the census. This was also true for male lawyers, although the discrepancy was significantly smaller for men than for women. See *id.* at 94, 109 n.52 (citing 1930 U.S. Census Figures). Determining who is or is not a lawyer is always a problematic exercise. I use the census data as a rough, though useful approximation of the profession's demographics.

<sup>53</sup> See DRACHMAN, *supra* note 23, at 259–60.

1920s, but was deemed quite satisfactory by survey participants.<sup>54</sup> Many women lawyers could expect to have long careers in practice, as the new generation was less likely than its predecessors to view marriage and practice as incompatible with each other.<sup>55</sup> Women's presence within the profession was cemented by the ratification of the Nineteenth Amendment, which mooted the final argument raised against women's admission to the bar—that given the close nexus between the attorney's role as a public officer and suffrage rights, granting women the right to practice law would, in effect, grant them the right to vote.<sup>56</sup>

For the first generation of African American women lawyers, the process of integration into the bar was more uncertain. In an age when very few black men could generate the clientele to support themselves in full-time practice, black women lawyers remained at the intersection of race- and gender-based professional structures that almost excluded them from the bar. Charlotte Ray became the nation's first black woman lawyer, and one of the first women of any race to join the profession, in 1872 when she was admitted in Washington, D.C.<sup>57</sup> By 1879, however, she had given up her practice due to lack of business and returned to her hometown of New York, where she was later married.<sup>58</sup> Two decades after Ray's admission, Gertrude Mossell could locate only three black women lawyers for her publication, *The Work of the Afro-American Woman*, while the census takers of 1900 found ten.<sup>59</sup> Whatever their true numbers, it seems clear that these early

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<sup>54</sup> DOERSCHUK, *supra* note 43, at 56–58. There is little reliable information on lawyers' incomes before the Depression decade of the 1930s. Estimates of what a lawyer might have expected to make in the 1920s remain inexact. Beginning practitioners in New Jersey in 1925 earned an average of \$2,850 per year while the median income for solo practitioners in Manhattan in 1933 (after the Depression had substantially depressed lawyer income) was \$2,310. ABEL, *supra* note 20, at 159, 302 tbl.38. Judging from the 1930s data, it seems most likely that median lawyer income in the 1920s was somewhat in excess of \$3,000, although it obviously varied by location, type of practice, and size of firm. *See id.* at 158–63, 302 tbl.38; *see also* HURST, *supra* note 27, at 311–13 (discussing lawyers' salaries throughout the nineteenth century and first half of the twentieth century). In 1941, after lawyer income had just begun to increase from its Depression-era lows, Sadie Alexander believed that an annual income between \$1,500 and \$4,000 for a woman lawyer would make her self-supporting. *See* Alexander, *supra* note 11, at 62.

<sup>55</sup> *See* Drachman, *supra* note 44, at 242–48.

<sup>56</sup> *See* DRACHMAN, *supra* note 23, at 27–30, 36; Drachman, *supra* note 44, at 242–48.

<sup>57</sup> SMITH, *supra* note 11, at 141; Larry L. Martin, *Charlotte E. Ray*, in *NOTABLE BLACK AMERICAN WOMEN* 922 (Jessie Carney Smith ed., 1992).

<sup>58</sup> *See* SMITH, *supra* note 11, at 141; Martin, *supra* note 57, at 923.

<sup>59</sup> *See* SMITH, *supra* note 11, at 625. The three women Mossell found were Charlotte Ray, Ida Platt, and Mary Ann Shadd Cary. MRS. N.F. [GERTRUDE] MOSSELL, *THE WORK OF THE AFRO-AMERICAN WOMAN* 19–20 (Oxford University Press 1988) (1894). For what little is known about Ray's career in practice, see J. Clay Smith, Jr., *Charlotte E. Ray Pleads Before Court*, 43 *How. L.J.* 121–39 (2000). Charlotte Ray's career may have already begun to fade from historical consciousness by the 1890s; Gertrude Mossell incorrectly recorded Ray's first name as "Florence," who was actually Charlotte Ray's sister. *See* Nagueyalti Warren, *H.*

black women lawyers faced a job market with few opportunities for law-related employment and lived in communities with insufficient potential client bases. In addition, the precarious position of black men in the profession retarded their progress in gender-defined areas of the profession, such as husband-and-wife practice, where some white women were making inroads.<sup>60</sup> For most of them, like many of their white peers, marriage meant abandoning whatever practice they had for home life or other pursuits.<sup>61</sup> African American women did not establish themselves in practice in significant numbers until the 1920s, when out-migration from the South provided them with a wealthier, urbanized client base in cities like New York and Chicago,<sup>62</sup> and the improved position of women lawyers reduced the prejudices against them. This new generation constituted the group of black women lawyers with whom Sadie Alexander corresponded in the late 1930s.

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*Cordelia Ray*, in NOTABLE BLACK AMERICAN WOMEN, *supra* note 57, at 924–25. This may be why Sadie Alexander, who was Gertrude Mossell's niece, seemed to have no knowledge of Charlotte Ray until she began writing her 1941 article. Alexander deserves credit for recovering Ray's name for history when she discovered, while researching the article, that Ray was the first black woman lawyer—a fact that none of Alexander's black women lawyer contemporaries appeared to know at the time. See Alexander, *supra* note 11, at 59–60. Mary Ann Shadd Cary is only now being recovered for historical memory, and is the subject of a recent, painstakingly researched biography. See JANE RHODES, MARY ANN SHADD CARY: THE BLACK PRESS AND PROTEST IN THE NINETEENTH CENTURY (1998). Alexander unwittingly helped to obscure Cary's role as the first black woman law student. In her 1941 article, Alexander listed Ray as the author of an 1870 corporation law thesis that was commented upon favorably by Howard University president, General O.O. Howard. See Alexander, *supra* note 11, at 60. A number of subsequent accounts of Ray's life have incorporated this assertion. See, e.g., 2 BLACK WOMEN IN AMERICA: AN HISTORICAL ENCYCLOPEDIA 965 (Darlene Clark Hine ed., 1992). In fact, the true author of the thesis was Cary, who began law school at Howard a year before Ray, but did not finish until some time afterward. See RHODES, *supra*, at 186–87, 254 n.3.

<sup>60</sup> See Drachman, *supra* note 44, at 236–38.

<sup>61</sup> See DRACHMAN, *supra* note 23, at 100–02. Only one of these early black women lawyers, Ida G. Platt, is known to have established a successful practice. Platt practiced with a white lawyer following her bar admission in Illinois in 1894. However, her success would have been difficult to replicate for most black women attorneys; Platt was so light-skinned that many whites believed her to be Caucasian. Apparently, Platt established herself as a white woman lawyer (a difficult enough task alone) and, over the decades of her practice, slipped out of the collective consciousness of Chicago's black community. See Gwen Hoerr McNamee, "Without Regard to Race, Sex or Color": *Ida Platt, Esquire*, CBA REC., May 1999, at 24. Even among the next generation of black women lawyers, light skin color could be a valuable asset. Mabel Raimsey, the first black woman to attend Marquette Law School, apparently passed as white during her law school years after losing a teaching job because the school administrators discovered that she was black. See Phoebe Weaver Williams, *A Black Woman's Voice: The Story of Mabel Raimsey, "Shero"*, 74 MARQ. L. REV. 345, 369–71 (1991). For more analysis of black professionals in American history, see DARLENE CLARK HINE, SPEAK TRUTH TO POWER: BLACK PROFESSIONAL CLASS IN UNITED STATES HISTORY (1996).

<sup>62</sup> For a discussion of migration to Philadelphia in the early twentieth century, see VINCENT P. FRANKLIN, THE EDUCATION OF BLACK PHILADELPHIA: THE SOCIAL AND EDUCATIONAL HISTORY OF A MINORITY COMMUNITY, 1900–1950, at 15–28 (1979).

## II

THE AMBIGUITIES OF PROFESSIONAL SUBORDINATION:  
ASPIRATIONS AND EVERYDAY REALITIES FOR  
AFRICAN AMERICAN WOMEN LAWYERS IN  
THE EARLY TWENTIETH CENTURY

Sadie Tanner Mossell Alexander's path to professional success had many elements in common with that of her colleagues at the black women's bar, although her education and family background distinguished her even among this group. She was born Sadie Tanner Mossell, in 1898, to parents who were members of the "Old Philadelphia" group of elite African Americans who had made the city a center for educated blacks since the antebellum era.<sup>63</sup> Her father, Aaron Mossell, was the University of Pennsylvania Law School's first black graduate,<sup>64</sup> and her uncle, Nathan Mossell, had been the university's first black medical school graduate.<sup>65</sup> Alexander's mother, Mary Louise Tanner Mossell, came from an equally distinguished family. Sadie Alexander's maternal grandfather, Bishop Benjamin Tucker Tanner of the African Methodist Episcopal Church, founded the *A.M.E. Church Review*, one of the leading journals of African American intellectual life in the late nineteenth century.<sup>66</sup> Bishop Tanner's talented children included Henry Ossawa Tanner, the well-known émigré painter.<sup>67</sup> Less than one year after Alexander's birth, Aaron Mossell deserted his family and Alexander grew up alternating residences between North Philadelphia, where she lived in Bishop Tanner's home, and Washington, D.C., where she stayed with relatives and attended the most prestigious black high school in the country, M Street High.<sup>68</sup> Upon finishing at M Street, Sadie Mossell returned to Philadelphia to attend the University of Pennsylvania (Penn) where, already manifesting the stubbornness and independence of thought that was characteristic of successful black women lawyers of her era, she passed up the expected career in teaching, social work, or other woman-identified fields, and instead continued her education with a M.S., and in 1921, a Ph.D. in economics from Penn.<sup>69</sup>

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<sup>63</sup> Sadie Alexander's background is documented extensively in *Interview with Sadie Alexander*, in 2 THE BLACK WOMEN ORAL HISTORY PROJECT 67 (Ruth Edmonds Hill ed., 1991) (interviewed by Marcia Greenlee on Jan. 26, 1977).

<sup>64</sup> *Id.* at 70.

<sup>65</sup> *See id.* at 73.

<sup>66</sup> *See id.* at 70, 74.

<sup>67</sup> *Id.* at 70.

<sup>68</sup> *See id.* at 75-77.

<sup>69</sup> *Id.* at 70. Bishop Tanner's daughter, Halle Tanner Dillon Johnson, was one the nation's first black women doctors, and was resident physician at Tuskegee Institute. *Id.* at 74. Alexander's uncle, Lewis Baxter Moore (married to another of the bishop's daughters, Sadie Tanner Moore), was the first black Ph.D. from Penn and was a dean and founder of the teacher's college at Howard University. *See id.* at 70, 77. Alexander lived with Moore



Her route to law was circuitous. She met her future husband, Raymond Pace Alexander, while both were students at Penn,<sup>70</sup> and pursued a career as an actuary with a black insurance company in North Carolina while Raymond attended Harvard Law School.<sup>71</sup> Alexander soon found herself dissatisfied with the professional opportunities open to a black woman economist and returned to Philadelphia, where she and Raymond were married following his law school graduation in 1923.<sup>72</sup> She later recalled that after marriage, "I stayed home for one year and almost lost my mind."<sup>73</sup> Household duties and involvement with the PTA, NAACP, and the Urban League's predecessor organization weren't enough to satisfy her desire for a career, and she refused to consider the obvious alternative for an educated woman, school teaching, because she would not be allowed to teach secondary school.<sup>74</sup> At the time the city refused to hire black teachers to teach white children in Philadelphia's integrated secondary schools, and the only positions available to them were in the segregated primary schools.<sup>75</sup> Influenced by the examples of her father and husband, she decided to become a lawyer, and in 1924, with the enthusiastic support of Raymond, she began law school at Penn.<sup>76</sup>

Like many black women law students of her era, Sadie Alexander was excluded from the social and professional networks frequented by her classmates. In the 1920s, many people still thought that law school was a frivolous endeavor for a woman, given that relatively few women had established successful careers in private practice. Penn Law had accepted women students since the 1880s, but Alexander was

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during her sojourn in Washington. *Id.* at 76–77. Her sister, Elizabeth Mossell Anderson, became a dean at Virginia State College and later at Wilberforce. *See id.* at 74. Her brother, Aaron, Jr., became a pharmacist. *Id.* at 75. For more on Sadie Alexander's distinguished family, see Barbara Tumarkin Dunham, *An American Family: A Legacy of Leadership from a Famous Line of "Firsts" in Society*, PHILA. INQUIRER, July 19, 1976, at 5-B; and *The Tanner Family*, NEGRO HIST. BULL., Apr. 1947, at 147–52, 167. M Street High School, also known as Dunbar High, counted Charles Houston, William Hastie, and the economist and future cabinet secretary Robert Weaver among its many prominent alumni. *See* Sadie Alexander, *A Clean Sweep: Reflections on the Rocky Road to Winning a "Broom Award" in 1918*, PA. GAZETTE, Mar. 1972, at 30 (STMA1). For a brief summary of Sadie Alexander's life that focuses on her public service activities rather than her law practice, see Charles Lewis Nier III, *Sweet Are the Uses of Adversity: The Civil Rights Activism of Sadie Tanner Mossell Alexander*, 8 TEMP. POL. & CIV. RTS. L. REV. 59 (1998).

<sup>70</sup> *See* Interview with Sadie Alexander, *supra* note 63, at 77.

<sup>71</sup> *See* Curriculum Vitae of Sadie T.M. Alexander, *supra* note 1, at 1.

<sup>72</sup> *See* Transcript of Interview with Sadie Tanner Mossell Alexander 4–5 (Oct. 12, 1977) (STMA1).

<sup>73</sup> Sadie T.M. Alexander, *The Best of Times and the Worst of Times*, 12 U. PA. L. ALUMNI J. 19, 20 (1977).

<sup>74</sup> *See* Transcript of Interview with Sadie Tanner Mossell Alexander, *supra* note 72, at 5.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.* at 5.

its first black woman student.<sup>77</sup> She found the dean, William Mikell, to be a "very prejudiced man" who would not call on her in class or speak to her in the halls,<sup>78</sup> and who ordered the women law students to exclude her from their student club.<sup>79</sup> When her grades earned her election to the law review after her first year, the dean ordered the editors to deny her membership. This process repeated itself after her second year, even though a black man, Robert B. Johnson, was elected to the review without protest. The editor-in-chief interceded on her behalf, however, and she finally took her place as an editor.<sup>80</sup> Even this distinguished academic record could not erase the perception that she was not seriously contemplating a career in law. At commencement exercises in 1927, her fellow students took note of her four degrees from Penn, and one of them shouted to his classmates: "What degree is Sadie going to get next?" The reply was immediate: "Mamma! Mamma!"<sup>81</sup>

The professional world that an African American woman lawyer faced in the 1920s was a daunting one. As Alexander would later remark, many black women lawyers took the racial prejudices of judges, clients, and others for granted, because they would face racial prejudice in any career they chose.<sup>82</sup> The issue they grappled with most in their writings was the place of women, and sometimes women of color, in a profession that still defined its work as a masculine endeavor. Zephyr Abigail Moore, a 1922 Howard Law graduate, captured this sentiment in an early essay when she noted "the widespread feeling among physicians and lawyers that theirs are men's professions and that women, no matter how well trained in these professions, are outsiders and intruders."<sup>83</sup> Moore, like many of her peers, found law to be even more unwelcoming to outsiders than medicine, perhaps because of the longstanding, albeit subordinate, position of women in

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<sup>77</sup> See *id.* at 5–6.

<sup>78</sup> See Alexander, *supra* note 73, at 20.

<sup>79</sup> See Transcript of Interview with Sadie Tanner Mossell Alexander, *supra* note 72, at 6.

<sup>80</sup> See SMITH, *supra* note 11, at 158–59.

<sup>81</sup> Transcript of Interview with Sadie Tanner Mossell Alexander, *supra* note 72, at 6. For a study of modern-day women's experiences at the University of Pennsylvania Law School, see LANI GUINIER ET AL., *BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE* (1997).

<sup>82</sup> See, e.g., Zephyr Abigail Moore (Ramsey), *Law and Its Call to Women*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS*, *supra* note 11, at 13, 13 (focusing on gender discrimination). A few of them mounted explicit critiques of the intersectionality of race and gender prejudice in the profession. See, e.g., Pauli Murray, *Constitutional Law and Black Women*, in *AMERICAN LAW AND THE BLACK COMMUNITY: VIEWED BY BLACK WOMEN LAWYERS* 33 (Boston University Afro-American Studies Program, Occasional Paper No. 1, n.d.); Ruth Whitehead Whaley, *Women Lawyers Must Balk Both Color and Sex Bias*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS*, *supra* note 11, at 49.

<sup>83</sup> Moore, *supra* note 82, at 13.

the medical profession.<sup>84</sup> Early black women lawyers wrote about the lack of women role models in their chosen profession, commented that male lawyers and judges did not take them seriously, and criticized the profession for continuing to exclude women from some of its most prestigious law schools.<sup>85</sup>

Soon after her admission to the bar, Sadie Alexander received a taste of this exclusion first hand. Alexander and her husband, Raymond, had engaged in playful banter comparing the Harvard and Penn law schools since her law student days, and after her admission they decided to visit Raymond's alma mater. Raymond, an occasional correspondent of Harvard Law Dean Roscoe Pound, arranged for them to travel to Cambridge to meet Pound, who received them warmly. They accompanied the dean to his morning class and, as Pound began to say goodbye, Raymond interjected that he and Sadie had come to Cambridge so that she could hear just one of Pound's lectures. The dean's reply was conclusive: The presence of women at the Harvard Law School was a sensitive issue because of an effort to admit them in the previous decade, and even Sadie Alexander's law degree and bar membership would not suffice to admit her to one lecture at Harvard. Raymond was dismayed. He had taken Harvard's all-male student body for granted, never realizing that the law school did not admit women.<sup>86</sup> While Harvard's exclusionary policy was out

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<sup>84</sup> See Lutie A. Lytle, *Miss Lutie Lytle Speaks in 1897*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS*, *supra* note 11, at 11, 12; Moore, *supra* note 82, at 13. Nineteenth-century women could enter the medical profession through women's medical schools at a time when women were barred from the legal profession. See REGINA MARKELL MORANTZ-SANCHEZ, *SYMPATHY AND SCIENCE: WOMEN PHYSICIANS IN AMERICAN MEDICINE* 47-63 (1985). Women's admission to the Harvard Medical School had been under discussion from the 1840s onward, and an 1882 debate over women's admission produced "vehemence and personal animosity" that "no recent controversy" could equal, according to an 1888 graduate of the school. THOMAS FRANCIS HARRINGTON, *3 THE HARVARD MEDICAL SCHOOL: A HISTORY, NARRATIVE AND DOCUMENTARY 1782-1905*, at 1217 (1905). At that time, women were being routinely denied admission to the Harvard Law School. Women's admission there would not be discussed seriously until the turn of the century, and the law school would remain closed to women until 1950. See ARTHUR E. SUTHERLAND, *THE LAW AT HARVARD: A HISTORY OF IDEAS AND MEN, 1817-1967*, at 319-20 (1967).

<sup>85</sup> See Ollie May Cooper, *Women in the Law*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS*, *supra* note 11, at 24; *Interview with Sadie Alexander*, *supra* note 63, at 80-81; Sampson, *supra* note 11, at 16.

<sup>86</sup> For a firsthand account of the Alexanders' visit to Harvard, see Sadie T.M. Alexander, Address at the Swarthmore College Commencement Service (May 28, 1979) (STMA72) [hereinafter *Swarthmore Commencement*]. Dean Pound referred to the controversy of 1915, when fifteen women graduates of prestigious women's colleges, including the daughter of Professor Joseph Henry Beale, petitioned the law school for admission. The law school faculty deferred to University President A. Lawrence Lowell, who refused to admit them. In response, Beale founded the short-lived Cambridge Law School for Women. See DRACHMAN, *supra* note 23, at 162-66. The incident with Pound struck a negative chord with Sadie Alexander, and when she wrote her 1941 article touting the achievements of black women lawyers, she mailed copies to the Harvard law faculty and the members of Harvard's Board of Overseers. See *Swarthmore Commencement*, *supra*.

of step with the emerging trend among elite law schools, many men did not take women law students seriously in the 1920s. Many thought that the study of law was a frivolous pursuit for women who might find law office employment, but would be relegated, like so many of their nonlawyer sisters, to positions as typists or bookkeepers.<sup>87</sup>

African American women lawyers, however, had their own vision of a professional objective. In their letters and other writings they referred to it as "actual practice," "independent practice," "active practice," and similar names.<sup>88</sup> While these women didn't always use the terms in the same way, discernible commonalities emerged. In their writings, an independent lawyer was someone who could support herself by practicing law. Although this income did not necessarily constitute her sole means of support (because many of these women were married), it might be enough for her to live on if she were single.<sup>89</sup> Sadie Alexander ended her 1941 article by noting that sixty percent of the practicing black women lawyers she had identified were self-supporting, with incomes ranging from \$1,500 to \$4,000 per year.<sup>90</sup> Alexander thought that this compared favorably with the percentage of self-supporting male lawyers, demonstrating that black women were succeeding in the profession on the same terms as men.<sup>91</sup>

Many black women lawyers also commented on the importance of going to court. Eunice Carter, for example, responded to Alexander's request for information on black women lawyers by noting that she had engaged in "trial work in both petit courts and before juries" in the New York District Attorney's office, and that she was responsible for the office's work in several lower-level courts.<sup>92</sup> Alexander's reply expressed great pleasure that Carter had secured "actual trial work."<sup>93</sup> H. Elsie Austin, on the other hand, observed that her own work in the Ohio Attorney General's office, while interesting, did not involve "much trial work."<sup>94</sup> Neither of the two women employed in that office obtained such work, and Austin instead spent her time writ-

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<sup>87</sup> See Swarthmore Commencement, *supra* note 86. The situation within the legal profession threatened to replicate an emerging gender dichotomy in the area of accounting between bookkeepers (predominately female) and accountants (overwhelmingly male). See STROM, *supra* note 46, at 82-85.

<sup>88</sup> See, e.g., Letter from Sadie T.M. Alexander to Lorraine Smith 1 (Dec. 3, 1937) (STMA10).

<sup>89</sup> See, e.g., Alexander, *supra* note 11, at 62.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> Letter from Eunice H. Carter to Sadie T. Mossell Alexander, *supra* note 16.

<sup>93</sup> Letter from Sadie T.M. Alexander to Eunice H. Carter (Apr. 28, 1939) (STMA13).

<sup>94</sup> Letter from Elsie Austin to Sadie T.M. Alexander (May 8, 1939) (STMA13). In this respect, her own experience differed from that of Ruth Whitehead Whaley, a 1925 Fordham law graduate, who ended a retrospective essay on her first twenty years of practice by noting that "there is no sweeter music to my ears" than the bailiff's opening cry announcing the arrival of the trial judge. Whaley, *supra* note 82, at 51.

ing advisory opinions.<sup>95</sup> Edith Spurlock Sampson hit upon an additional trait that an independent, actively practicing attorney should possess when she noted, in a 1935 article, the distinction between the minority of women lawyers in "independent practice," and "the majority [who] have salaried positions with firms; [sic] governmental services or with social service agencies."<sup>96</sup> Sampson, who retained private clients while employed by the Cook County Juvenile Court, refused to view her salaried job as lawyering, writing that her own "practice of law is limited to such matters as do not interfere with [my] duties at the Juvenile Court."<sup>97</sup> An independent lawyer, in Sampson's mind, depended on full-time private practice, rather than a salaried position, for her support. Sadie Alexander and her generation of black women attorneys aspired to a professional ideal of full-time, independent, court-centered lawyering. Whether it would be an enabling or disabling vision for women lawyers would only be worked out in practice.<sup>98</sup>

How did a black woman lawyer establish herself in practice in the 1920s? Many, like Elsie Austin, used their political connections to secure salaried positions as government lawyers in the offices of state attorneys general, corporation counsels, and district attorneys. Those without such connections, like their white counterparts, had limited prospects in private practice. For the most part, women lawyers were shut out of large corporate firms and given few opportunities in the smaller firms that would hire them.<sup>99</sup> Sadie Alexander observed that

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<sup>95</sup> See Letter from Elsie Austin to Sadie T.M. Alexander, *supra* note 94.

<sup>96</sup> Sampson, *supra* note 11, at 17.

<sup>97</sup> *Id.* at 22. In the article, Sampson scrupulously maintained the distinction between women lawyers with salaried government positions and those in private practice. Sadie Alexander maintained a similar distinction between lawyers in private practice and those in other lines of work, writing in 1937 that only fifteen of the thirty black lawyers in Philadelphia were "actively practicing. The others [were] either engaged in some business or [were] holding Government positions." Letter from Sadie T.M. Alexander to Lorraine Smith, *supra* note 88, at 1.

<sup>98</sup> Historically, the American legal profession has defined independence (seen as one of its necessary attributes) in varying and contradictory ways. See Robert W. Gordon, *The Independence of Lawyers*, 68 B.U. L. Rev. 1 (1988). However, almost every definition has worked against women's participation in the profession. For instance, Justice Bradley's vision of married women as unsuited to the demands of the bar was partly based on the notion that coverture rendered them so dependent on their husbands that they could not fully exercise the duties of a practicing lawyer. See *Bradwell v. State*, 83 U.S. (16 Wall.) 130, 139-42 (1872) (Bradley, J., concurring). Even black male lawyers were not immune from the Bradleyan association of law practice and masculine independence. See D. Augustus Straker, *The Negro in the Profession of Law*, 8 A.M.E. CHURCH REV. 178, 181 (1891). However, there was little debate among Alexander and her black women lawyer peers on what constituted the practice of law, or whether their vision of lawyerly independence and court-centered advocacy was an enabling one for women lawyers.

<sup>99</sup> Even white women lawyers would not find a home in corporate firms for many years. Wall Street hired its first woman associate (the daughter of a federal appellate judge) in 1924, but she did not become a partner until 1942. MORELLO, *supra* note 35, at

when she began practice in 1927, "[t]he women lawyers at the Philadelphia Bar were extremely limited in numbers and were in general working as research assistants, brief writers in law firms or banks, or for the Attorney General's office."<sup>100</sup> Whether working as government attorneys or in private practice, women lawyers remained largely confined to office practice. The opportunities for black women were even more limited than those available to white women. There were few African American firms to train black women or men, and white law firms would not hire black lawyers. The historical reluctance of many African American clients to hire black lawyers was even more pronounced when it came to black women. Even more so than black men, black women lawyers faced a problem of client perceptions. Clients hired lawyers because of reputation, and as newcomers to the bar, black women lawyers had no reputations on which to trade.

Sadie Alexander, surveying this professional terrain upon graduation in 1927, made the obvious choice and joined her husband's law firm, which had been established four years earlier. According to Alexander, "it never occurred to [Raymond] or me that I would not join his staff."<sup>101</sup> Nonetheless, she almost suffered the fate of many women aspirants to legal employment when another lawyer in the firm objected to her hiring, insisting that he would not work with a woman lawyer. Raymond, whom she always credited with liberal attitudes toward women lawyers, prevailed upon the recalcitrant lawyer, and she took her place at the firm where she would remain for the next thirty-two years.<sup>102</sup>

Almost immediately, the Alexanders' law practice took on the contours of a classic husband-and-wife firm.<sup>103</sup> For reasons that were not then apparent to her, Raymond quickly petitioned the city's Orphans' Court for her admission to practice before that body, and she was admitted in October 1927.<sup>104</sup> Soon afterward, she learned the reason why. The Orphans' Court had jurisdiction over probate matters, and the firm had a substantial volume of undone trusts and es-

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201-02. The prestigious firm of Sullivan & Cromwell hired its first woman associate in 1930, but did not name its first woman partner until 1982. *Id.* at 197. More women lawyers joined corporate firms during the labor shortage of World War II, but many lost their positions after the war. See CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 175-76 (1981). Large firms relegated women lawyers to office practice in woman-identified areas of law—often blue sky research and trusts and estates work. *Id.* at 197. As a result, women lawyers did not establish a significant and meaningful presence in corporate firms until the 1970s. See *id.* at 179.

<sup>100</sup> Sadie T.M. Alexander, *Forty-Five Years a Woman Lawyer*, 35 *THE SHINGLE* 126, 127 (1972) (STMA72).

<sup>101</sup> *Id.* at 126.

<sup>102</sup> See *id.*

<sup>103</sup> For an explanation of the classic husband-and-wife firm, see *supra* notes 44-45 and accompanying text.

<sup>104</sup> *Id.* at 126-27.

tates work that required immediate attention.<sup>105</sup> The men in the office didn't like this work, which, according to Alexander, "they considered principally bookkeeping and which afforded them no opportunity to display their forensic ability by appearing before a jury."<sup>106</sup> Bookkeeping was regarded as women's work in early twentieth-century America, while jury trials were a masculine preserve.<sup>107</sup> There were no jury trials in Orphans' Court, where practice required mastery of the technical details of pleading and procedure.<sup>108</sup> Sadie Alexander was the first black woman lawyer in the state, one of only fifteen women lawyers in Philadelphia, and fortunate to have a job practicing law.<sup>109</sup> She later remembered that "in order to get your foot in a firm, you had to take what was offered you."<sup>110</sup> Despite their half century of history at the bar, women lawyers had only a tenuous foothold in the profession and little control over the conditions of their work.<sup>111</sup> Sadie Alexander, like most other women lawyers, registered no protest and found herself engaged in office practice.

Probate practice, like many other areas of legal work, required personal and business contacts that Raymond Alexander was particularly adept at developing. According to Sadie, her husband "had many warm and close friendships which resulted in funeral directors and physicians directing to him a large volume of probate work."<sup>112</sup> In the early 1910s, the city's black middle class, who provided the bulk of the firm's probate work, had begun to coalesce in the Alexanders' neighborhood near Girard Avenue in North Philadelphia. The Pyramid Club, a social haven for prominent African Americans, soon established itself on Girard Avenue, and Union A.M.E. Church was just down the street. One of the most prominent founders of the Links, a national service organization for upper-class black women, lived nearby.<sup>113</sup> Soon after he moved to the neighborhood in the 1920s, Raymond Alexander solicited religious, political, and social contacts with these potential allies and clients, as well as individuals located elsewhere in the city. E. Washington Rhodes, for instance, was not

<sup>105</sup> See Alexander, *supra* note 100, at 127.

<sup>106</sup> Sadie T.M. Alexander, *Reminiscences of a Career in Law* 1 (Sept. 1972) (STMA72) [hereinafter *Reminiscences*]; see also *Certificate of Admission to Practice Before the Orphans' Court for the County of Philadelphia* (Oct. 7, 1927) (STMA72) (documenting Sadie Alexander's admission to the Orphans' Court).

<sup>107</sup> See *supra* note 44 and accompanying text.

<sup>108</sup> See *Reminiscences*, *supra* note 106, at 1-2.

<sup>109</sup> *Id.* at 1.

<sup>110</sup> See Transcript of Interview with Sadie Tanner Mossell Alexander, *supra* note 72, at 6.

<sup>111</sup> See discussion *supra* notes 82-98 and accompanying text.

<sup>112</sup> *Reminiscences*, *supra* note 106, at 4.

<sup>113</sup> See Letter from Sarah Scott to Sadie T.M. Alexander (Aug. 10, 1949) (STMA37) (letter sent by one of its founding members regarding the petition of incorporation for the Links).

only Raymond's friend and colleague at the city's black bar, but also the publisher of the *Philadelphia Tribune*, the city's oldest and largest black newspaper, which boasted a readership of 18,000 in 1933.<sup>114</sup> Rhodes and Raymond soon established a mutually beneficial relationship, with Rhodes publishing prominent articles on Raymond's successful cases. The Alexanders established a similar relationship with the *Philadelphia Afro-American* newspaper, one of Rhodes's competitors. In 1939, the new editor of the *Afro-American*, looking to increase its readership, wrote Sadie, offering to give the firm free publicity on its ongoing cases, "especially civil suits, settlements and divorces."<sup>115</sup> In exchange for juicy details of personal injury suits and divorces, the Alexanders and other black lawyers could advertise their abilities and expertise to the *Afro-American's* readership. Upon receiving Sadie's assent to this arrangement,<sup>116</sup> the *Afro-American's* editor penned a delighted reply: "I am sure, that the cooperation between the PHILADELPHIA AFRO AMERICAN and your office will be quite beneficial to us both."<sup>117</sup>

Prevailing social and legal segregation facilitated the development of such mutually beneficial interactions among the city's black middle class, including referrals of probate business. In the 1930s, the city's 200,000 African Americans still got their news from as many as three black newspapers that competed with each other for readership.<sup>118</sup> On Sundays, many attended all-black churches, including the A.M.E. Church, founded in Philadelphia and the oldest independent black denomination in the country.<sup>119</sup> They lived in racially segregated neighborhoods and attended segregated primary schools staffed by black teachers. They could have their real estate needs serviced by black realtors and do their business at black banks. When they fell ill, they solicited the services of black doctors at one of the city's two African American hospitals, and when they passed on, their loved ones patronized the black undertakers who were always prominent among the community's affluent professionals. Most importantly, from the Alexanders' perspective, when they needed lawyers, African American attorneys were available to serve them. These were the lawyers, realtors, teachers, doctors, ministers, undertakers, and publishers who re-

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<sup>114</sup> See CHARLES PETE T. BANNER-HALEY, *TO DO GOOD AND TO DO WELL: MIDDLE-CLASS BLACKS AND THE DEPRESSION, PHILADELPHIA, 1929-1941*, at 75 (1993).

<sup>115</sup> See Letter from Levi Jolley to Sadie T.M. Alexander (Oct. 12, 1939) (STMA35).

<sup>116</sup> See Letter from Sadie T.M. Alexander to Levi Jolley (Oct. 25, 1939) (STMA35).

<sup>117</sup> Letter from Levi Jolley to Sadie T.M. Alexander (Nov. 4, 1939) (STMA35).

<sup>118</sup> See BANNER-HALEY, *supra* note 114, at 72, 109 n.24.

<sup>119</sup> For a general discussion of the early twentieth-century A.M.E. Church in Philadelphia, see ROBERT GREGG, *SPARKS FROM THE ANVIL OF OPPRESSION: PHILADELPHIA'S AFRICAN METHODISTS AND SOUTHERN MIGRANTS, 1890-1940*, at 1-17 (1993).



garded themselves as the city's black leadership and who depended on each other for business and social connections.<sup>120</sup>

Two illustrative examples of this were the Freedom Building and Loan Association and the Freedom Bank.<sup>121</sup> Both institutions were associated with James Jackson, a well-known black Philadelphian whom Raymond developed as a business contact in the late 1920s. Initially, Raymond handled debt collection and mortgage foreclosures for the bank and the building and loan association.<sup>122</sup> Soon afterward, he transferred a portion of this work to Maceo Hubbard, a junior lawyer in the office, and Lewis Tanner Moore, a former law student intern at the firm who had been admitted to the bar a few months earlier.<sup>123</sup> Several years later, one of the bank's depositors named it as the executor of his estate, and Hubbard passed this client's file along to Sadie Alexander, who proceeded to advise Jackson on the bank's probate and tax issues.<sup>124</sup>

Despite the city's substantial black population, potential institutional clients like Freedom were few in number in early twentieth-century Philadelphia. Much of Sadie Alexander's probate work depended on individual middle-class African Americans, whose homes, bank accounts, or other property occasionally required legal intervention. Ruby Johns, for instance, came to the office in 1938 to protect a home she owned in West Philadelphia—a particularly valuable asset during the Depression. Alexander prepared Johns's will, making provisions for her funeral expenses, the disposition of the home, and the passing of her residual estate.<sup>125</sup> A few years later, Alexander petitioned the Orphans' Court on behalf of Jacob Troutbrook, charging twenty dollars for her efforts. Troutbrook's sister had

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<sup>120</sup> For more on the social composition of the city's early twentieth-century African American population, see BANNER-HALEY, *supra* note 114; FRANKLIN, *supra* note 62; and H. VISCOUNT NELSON, *THE PHILADELPHIA N.A.A.C.P.: EPILOGUE OF MIDDLE CLASS CONSCIOUSNESS* (1972). For late nineteenth-century antecedents, see W.E.B. DuBois, *THE PHILADELPHIA NEGRO: A SOCIAL STUDY* (1996) (1899); ROGER LANE, *ROOTS OF VIOLENCE IN BLACK PHILADELPHIA 1860-1900* (1986); ROGER LANE, *WILLIAM DORSEY'S PHILADELPHIA AND OURS: ON THE PAST AND THE FUTURE OF THE BLACK CITY IN AMERICA* (1991); and *PHILADELPHIA: WORK, SPACE, FAMILY, AND GROUP EXPERIENCE IN THE NINETEENTH CENTURY, ESSAYS TOWARD AN INTERDISCIPLINARY HISTORY OF THE CITY* (Theodore Hershberg ed., 1981).

<sup>121</sup> To protect client anonymity, pseudonyms have been used for client names, and other identifying client information has been deleted from descriptions of cases.

<sup>122</sup> See Letter from Paul Jackson to Raymond Pace Alexander (July 3, 1929) (STMA35); Letter from Paul Jackson to Raymond Pace Alexander (Dec. 13, 1929) (STMA35).

<sup>123</sup> See Memorandum from Raymond Pace Alexander to Maceo Hubbard (July 10, 1929) (STMA35); Letter from Lewis Tanner Moore to Porter L. Pointer (Dec. 5, 1929) (STMA35).

<sup>124</sup> See Letter from Sadie T.M. Alexander to James Jackson (Mar. 7, 1935) (STMA35); Letter from Sadie T.M. Alexander to Paul Jackson (Mar. 18, 1935) (STMA35); Letter from Sadie T.M. Alexander to Freedom Bank (Apr. 10, 1935) (STMA35).

<sup>125</sup> See Last Will and Testament of Ruby Johns (Apr. 5, 1938) (STMA36); Letter from Sadie T.M. Alexander to Ruby Johns (Apr. 11, 1938) (STMA36).

died estranged from her husband and with no assets except a forty-two dollar share in a building and loan association. Troutbrook needed the building and loan funds to pay his sister's funeral expenses, which were her sole remaining debt.<sup>126</sup> Another client, Gladys Davis, retained the Alexander firm to straighten out a difficulty with a trust fund established for her son Richard, the beneficiary of a judgment in a personal injury suit. Raymond wrote a letter on her behalf to the trustee, and then passed the case along to Sadie. In lieu of filing a petition with the Orphans' Court, Sadie convinced the trustee to pay Richard's routine expenses for clothing.<sup>127</sup>

Everyday cases like these became the mainstay of Sadie Alexander's probate practice, with Raymond retaining for himself the cases that required litigation. Like many husband-and-wife teams, the Alexanders developed specializations of practice and a symbiotic working relationship.<sup>128</sup> Raymond generated most of the firm's institutional clients and transactional business through his social and political connections. Sadie serviced many of these clients' probate and tax needs as the firm's resident expert on transactional issues.<sup>129</sup> The firm's letterhead read: "Law Offices: Raymond Pace Alexander," with Sadie's name placed in a subsidiary position alongside those of other attorneys working at the firm.<sup>130</sup> Even Sadie's own clients and correspondents sometimes addressed replies to her letters to "Raymond Alexander,"<sup>131</sup> "Mr. Alexander,"<sup>132</sup> or "Mrs. Raymond Pace Alexander."<sup>133</sup> This was a far cry from the independent practice that she envisioned for herself.

While continuing to develop her skills at the firm, Sadie Alexander moved into the other mainstay of women's practice—salaried government employment. Like most law firms, the Alexander firm developed local political connections as a means of acquiring business contacts and influence, and in Philadelphia, local politics was Republi-

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<sup>126</sup> See Pet. for Payment of Proceeds, *In re Estate of Wilma Troutbrook, Deceased* (Orphans' Ct. Phila. County 1942) (No. 2523) (STMA36); Letter from Sadie Alexander to Jacob Troutbrook (Aug. 10, 1942) (STMA36).

<sup>127</sup> See Letter from Raymond Pace Alexander to J.C. Butt (Jan. 26, 1943) (STMA36); Letter from Sadie T.M. Alexander to Gimbel Brothers (Feb. 1, 1943) (STMA36); Letter from Sadie T.M. Alexander to Dr. William Rodgers (Feb. 1, 1943) (STMA36).

<sup>128</sup> For a study of 1960s-era husband-and-wife law partnerships, see Cynthia Fuchs Epstein, *Law Partners and Marital Partners: Strains and Solutions in the Dual-Career Family Enterprise*, 24 HUM. REL. 549 (1971).

<sup>129</sup> See, e.g., *supra* notes 125–27 and accompanying text.

<sup>130</sup> See Letter from Sadie T.M. Alexander to Ruby Johns, *supra* note 125.

<sup>131</sup> Letter from Joseph T. Coghlan to Raymond Pace Alexander (May 9, 1944) (STMA37); Letter from John J. Fitzpatrick to Raymond Pace Alexander (July 11, 1949) (STMA36).

<sup>132</sup> Letter from Robert King to Mr. Alexander (Feb. 10, 1942) (STMA36).

<sup>133</sup> Letter from Robert K. Greenfield to Mrs. Raymond Pace Alexander (Dec. 29, 1944) (STMA35).

can. The G.O.P. had controlled the state and city governments since the late nineteenth century, when Philadelphia's black leaders and African American voting population had been grafted onto a political machine that W.E.B. Du Bois described as "unparalleled in the history of republican government for brazen dishonesty."<sup>134</sup> Sadie Alexander described the Philadelphia City Hall of the 1920s as a place where attorneys were kept waiting while clerks bargained for merchandise from the vendors who roamed the halls, and where the cost of filing routine legal papers or the service of process included a small bribe.<sup>135</sup> Nonetheless, the Alexanders, like most African Americans of their era, adhered to the party of Lincoln, whose Reconstruction-era promises of civil rights and black citizenship had shriveled, by the turn of the century, to the dispensing of patronage to black party officials in return for mobilizing the black vote on Election Day.<sup>136</sup>

The fast-growing black population of the Alexanders' home 47th Ward made their neighborhood a prime spot for such activity, and Sadie Alexander was drawn into the machine from the moment that her admission to the bar as the first black women lawyer in the state made local headlines. Lena Trent Gordon, a faithful party worker and officeholder, sought out Alexander and introduced her to the local ward leader. The ward leader introduced her to the Mayor, who arranged for her appointment as Assistant City Solicitor in February 1928, making her only the second woman to hold the post.<sup>137</sup> Alexander's starched, Old Philadelphia respectability soon clashed with political reality when she discovered that she had an office and a salary, but no duties.<sup>138</sup> This was too much, even for someone who expected little from her profession, and her protests finally earned her an assignment. As she might have anticipated, she became the city's representative in Orphans' Court, helping to oversee audits of the accounts of decedents' estates.<sup>139</sup> Office practice would be her lot once again. This meshed well with her work at the firm, where Alexander continued to work while serving as an assistant solicitor for two more years, and for another four-year stint in the late 1930s.<sup>140</sup>

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<sup>134</sup> DuBois, *supra* note 120, at 372. For a lurid description of the city's machine politics, see *id.* at 372–81.

<sup>135</sup> See Alexander, *supra* note 100, at 128.

<sup>136</sup> See, e.g., DuBois, *supra* note 120, at 372–81.

<sup>137</sup> See Sadie T.M. Alexander, Remarks at Luncheon Honoring Her Fifty Years in the Practice of Law 3 (Mar. 24, 1979) (STMA72) [hereinafter Remarks at Luncheon].

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> Her second stint at the solicitor's office was also due to political connections. Pennsylvania Supreme Court Justice George W. Maxey, a friend and fellow Republican, interceded with the mayor on her behalf in the mid-1930s and obtained a subsequent appointment for her in the solicitor's office. See Letter from George W. Maxey to Mrs. Raymond Pace Alexander (Feb. 28, 1936) (STMA10). In 1940, she resigned from her posi-

Sadie Alexander quickly got the chance to display her skill at detailed work in her other area of specialization—domestic relations and divorce law. Her divorce docket began in the fall of 1926, during her third year of law school when she worked part-time in her husband's firm, and continued after she joined the firm full-time.<sup>141</sup> In the typical case she collected a twenty-five or fifty dollar initial fee from a plaintiff seeking a divorce from a spouse who lived across town, out-of-state (often in New Jersey or New York), or sometimes at "address unknown," and filed a complaint in the Court of Common Pleas.<sup>142</sup> Initially the plaintiffs were both men and women, but as time went on, her docket became predominately composed of women.<sup>143</sup> A significant portion of these clients hailed from the neighborhoods of North and West Philadelphia that were becoming the centers of the city's black population.<sup>144</sup> In a case that proceeded to a full divorce, the court usually appointed a local attorney as Master to receive evidence and report back with a recommendation that the presiding judge adopted as a matter of course.<sup>145</sup> Alexander collected her fees in incremental payments, with a full fee of \$200 to \$300 due for an uncontested divorce in which a Master was appointed.<sup>146</sup> Few of the cases were contested, and often the defendant received notification of the case's disposition by publication.<sup>147</sup>

In her divorce docket, Alexander was undoubtedly assigned cases that the men in the firm didn't want—pro forma, uncontested divorces. Pennsylvania courts granted divorces only for fault, and one common ground for divorce was desertion without reasonable cause for two years.<sup>148</sup> Most of Alexander's early clients seem to have been estranged from or deserted by spouses and sought divorce, sometimes years later, to make way for new marriages or to legitimize subsequent, putatively bigamous unions. Mamie Jones, for instance, sought a divorce from one husband in an unsuccessful effort to collect on the insurance policy of a deceased subsequent husband. Jones deposited a down payment of \$100 on Alexander's \$250 fee, and when her first

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tion in the solicitor's office. The Solicitor, Francis Burch, had asked for her resignation, citing budgetary reasons. *See* Letter from Francis Burch to Sadie T.M. Alexander (Jan. 12, 1940) (STMA6); Letter from Francis Burch to Sadie T.M. Alexander (Jan. 16, 1940) (STMA6); Letter from Sadie T.M. Alexander to Adelaide Fleming (Feb. 15, 1940) (STMA6).

<sup>141</sup> *See* Divorce Docket of Sadie Alexander (1926–32) (STMA20).

<sup>142</sup> *See id.*

<sup>143</sup> *See id.*

<sup>144</sup> *See id.*

<sup>145</sup> *See, e.g., id.* at 1.

<sup>146</sup> *See, e.g., id.* at 18.

<sup>147</sup> *See, e.g., id.* at 1.

<sup>148</sup> *See* Master's Report at 9, *Johnson v. Sterling* (Phila. Mun. Ct. 1944) (STMA36).

husband failed to show up at the hearing, the Master, Lewis Tanner Moore, accordingly recommended that the judge grant the divorce.<sup>149</sup>

Jones's case, like most of Alexander's divorce docket, was a by-product of the incredible mobility of the city's African American population. Thousands of blacks had migrated to the city from the South since the late nineteenth century, and many migrants moved on to New Jersey or New York, and then often back to Philadelphia, as work became available.<sup>150</sup> Couples sometimes drifted apart and lost track of each other, and each partner might postpone the effort and expense of obtaining a divorce until it was absolutely necessary. The disorder that this created in family and work lives created an orderly litigation process for Sadie Alexander. By the time she joined the firm, its reputation was familiar to the city's African American population, and uncontested divorce plaintiffs simply walked in the door and were undoubtedly steered to her. A case would be filed, and a master would be appointed, and then a decree would issue. Clients made their payments as the case proceeded according to a prearranged schedule. Defendants did not contest cases because they did not know or did not care about the result, providing Alexander with the same claim, probably the same evidence, and the same procedure repeated over and over again. There was money in this type of work, to be sure, due to the volume of cases, but it attracted little interest from the men in the firm. As rote and repetitive work, it was hers to handle.

However, professional subordination and monotonous work do not comprise the full story of Sadie Alexander's early years in practice. She had practical reasons for accepting a seemingly subordinate role in the firm. While Alexander believed that independent careers were the key to women's advancement, she, like many women of her era, also believed that a wife should manage the household while the husband worked, recognizing that this arrangement might limit a wife's career goals.<sup>151</sup> Even before she began law school, she was cognizant of the fact that marriage would impose onerous duties. Indeed, she declined Raymond's first offer of marriage, reasoning that she might immediately become pregnant and be forced to set aside her professional aspirations.<sup>152</sup> In an era of uncertain birth control, there was a close nexus between marriage, pregnancy, and the end of an indepen-

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<sup>149</sup> See Letter from Frances B. Getson to Mrs. Sadie Alexander (Oct. 29, 1945) (STMA37); Letter from Sadie T.M. Alexander to Mamie Jones (Nov. 6, 1945) (STMA37); Letter from Lewis Tanner Moore to Sadie T.M. Alexander (Nov. 19, 1945) (STMA37).

<sup>150</sup> See FRANKLIN, *supra* note 62, at 15–28.

<sup>151</sup> For Sadie Alexander's view on the necessity of women pursuing independent careers, see *Reminiscences*, *supra* note 106; and Sadie Alexander, *Personal Writings*, *The Emancipated Woman* (circa 1930) (STMA71).

<sup>152</sup> See *Reminiscences*, *supra* note 106, at 5.

dent career. By the mid-1930s, following the birth of two daughters, Alexander found herself overwhelmed by conflicting responsibilities. Writing about her dilemma to a local columnist, she lamented that:

It is a hard job trying to be a mother, a lawyer and a good wife. I am not at all too certain that the three can be successfully combined. At times I think it is impossible and that I must devote my entire time to my husband and children; then I think of the sacrifice that my mother made to train me and of the number of clients who seem to depend upon me. I then try to find strength to serve all of the interests.<sup>153</sup>

Like many early twentieth-century women lawyers, she turned to household help as a solution to her difficulties. In the mid-1930s, Alexander hired a nurse, at depression-era wages, to assist with child care.<sup>154</sup> However, she was still not optimistic about her future as a lawyer: "when it seems to me that the children will need more of my care I feel quite certain that I shall have to withdraw from such active practice."<sup>155</sup> Given the simultaneous duties imposed by marriage, motherhood, and career, the predictable and limited work schedule of probate and uncontested divorce work may have been a boon rather than a burden.<sup>156</sup>

Moreover, Alexander's early years of practice did not lack for excitement. As one of the few women—and the only black woman—to practice in Orphans' Court, a simple court appearance could produce unpredictable results. Many of her male opponents could not accept a woman lawyer as opposing counsel, even in a court with the limited jurisdiction of the Orphans' Court. As soon as a woman made an appearance, she found, many men "beg[a]n laying roadblocks, such as absolutely unnecessary interrogations, preliminary objections, depositions," and other obfuscatory tactics.<sup>157</sup> Actually defeating a male opponent might elicit an even stronger response, such as when a lawyer for one losing party cursed Alexander outside court after she prevailed on a preliminary injunction motion. Alexander's reply highlighted the discomfiture of a man being beaten by a woman lawyer: "I

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<sup>153</sup> Letter from Sadie T.M. Alexander to Ann Butler (May 16, 1938) (STMA11).

<sup>154</sup> See *Interview with Sadie Alexander*, *supra* note 63, at 79. A number of early twentieth-century women lawyers turned to household help to balance career and family. See Drachman, *supra* note 44, at 247.

<sup>155</sup> Letter from Sadie T.M. Alexander to Ann Butler, *supra* note 153. Discussions of children and domestic life are a staple of Sadie Alexander's professional correspondence, while such discussions are almost absent from Raymond's letters.

<sup>156</sup> Alexander's difficulties in balancing home and work did not necessarily imply that she always found her work rewarding. In a mid-1930s letter to an uncle, Alexander lamented that she had trained for "a much finer type of work than I have been able to do," and expressed hope that she would soon obtain legal work that involved more writing and research. Letter from Sadie T.M. Alexander to Uncle Henry (Sept. 19, 1936) (STMA10).

<sup>157</sup> Alexander, *supra* note 100, at 127.

should give you my skirt and you give me your pants.”<sup>158</sup> Similarly, her presence in court shook up judges who were accustomed to an all-male environment. She recalled one Orphans’ Court judge who, disregarding usual custom, refused to invite her into his chambers during conferences, forcing her to stand awkwardly in the doorway with her notes and papers spilling out of her hands as they conferred.<sup>159</sup> Other judges allowed racial prejudice as well as gender bias to affect their rulings. In one case, the judge appointed a white lawyer as guardian over minor children rather than the African American guardian Alexander had proposed. Afterward, Alexander saw a notation written by the judge stating, “the attorney [and] proposed guardian are both colored,” confirming her suspicion that the ruling, which seemed unwise to her, was based on prejudice.<sup>160</sup>

Sometimes, the mere presence of a woman’s body in the courtroom provoked unprecedented difficulties, as when she found out, soon after she accepted the assistant solicitor’s position, that she was pregnant. The social custom for pregnant women of her place and time was to avoid public fora where men would be present.<sup>161</sup> Raymond thought that she should resign her position as soon as her pregnancy showed, but Alexander refused, arguing that remaining in the job would provide an important precedent for future women lawyers. She prevailed upon her embarrassed husband to speak with the Orphans’ Court’s presiding judge, Curtis Bok, and the two men conferred over lunch about the propriety of a pregnant woman appearing in court.<sup>162</sup> Fortunately, Bok gave his enthusiastic assent, remarking, “I don’t think there is anything more beautiful than a pregnant woman.”<sup>163</sup> She remained on the job for the full term of her pregnancy.<sup>164</sup>

Even clothing and dress were matters of contention for a woman lawyer, as Alexander learned during her first appearance in the Orphans’ Court, when the question of attire provided her with a humiliating entrée into the profession. Having passed the bar examination,

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<sup>158</sup> *Id.*

<sup>159</sup> See *Reminiscences*, *supra* note 106, at 2.

<sup>160</sup> *Id.* at 3. When the children wrote her, years later, asking for the money owed them, all she could do was give them the address of the white guardian. Alexander believed that the unwise appointment of the guardian caused them to be cheated out of the full amount that was due. *Id.*

<sup>161</sup> See Letter from Sadie T.M. Alexander to Hazel F. Lowenstein (Feb. 17, 1937) (STMA10).

<sup>162</sup> See Alexander, *supra* note 73, at 20–21; Remarks at Luncheon, *supra* note 137, at 3–4.

<sup>163</sup> Alexander, *supra* note 73, at 21. Bok, with whom the Alexanders established a friendly relationship, was also the father of future Harvard Law Dean and Harvard University President Derek Bok.

<sup>164</sup> *Id.*; Remarks at Luncheon, *supra* note 137, at 4.

she later wrote, she had "carefully chosen" her garments for the admission ceremony, including a dark red hat.<sup>165</sup> However,

When I had approached the Bar of the Court, I heard a voice say: "Take off that hat!" I wondered what male neophyte came to be sworn in and kept on his hat. A few minutes later, I heard the command repeated in a more angry and louder tone, only to realize that I was being told to remove the hat, for which color and price I had combed the stores. I tore it off in so doing dropping my copy of the Code of Professional Responsibility and lost the correct page. I was the only woman in the group but not a man attempted to retrieve my book.<sup>166</sup>

Alexander's experience encapsulated an enduring problem for women lawyers. Proper late Victorian ladies, such as Sadie T.M. Alexander, wore hats in court, while men did not. By the 1920s, the decided trend was for women lawyers to doff their hats upon entering court, but Alexander was still unsure of herself on the issue. As she was quickly discovering, issues of body, dress, and appearance that were obscured when the bar was composed of men only, suddenly became visible and took on both symbolic and practical import when women entered the profession.<sup>167</sup>

While Sadie Alexander was, in many ways, professionally subordinated in her early years of practice, she perceived the situation differently. Ambiguity rather than inferiority might have been the concept that came most easily to her mind if she were asked about how male lawyers viewed her, as exemplified by one of her first, and most lasting, experiences at the bar—her encounter with Judge Thompson. Soon after her admission to practice, Judge Thompson of the Orphans' Court presented her with what she regarded as "a most exceptional opportunity."<sup>168</sup> The judge called her into his chambers and told her that he had noticed her substantial volume of business before the Orphans' Court, and that he would take it upon himself to ensure that no judge would question her knowledge of the court's practice and procedures. The judge had arranged for all her court filings to be referred to him, and every Friday he would send his tipstaff to summon her to his chambers to go over her pleadings and ensure that they were in the proper form.<sup>169</sup>

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<sup>165</sup> Remarks at Luncheon, *supra* note 137, at 2.

<sup>166</sup> *Id.* at 2–3.

<sup>167</sup> For more on the longstanding debate over whether women should wear hats, see Virginia G. Drachman, *Entering the Male Domain: Women Lawyers in the Courtroom in Modern American History*, 77 *MASS. L. REV.* 44, 48, 50 (1992). A more general discussion on the relationship between bodies, gender, and legal professionalism is presented in MONA HARRINGTON, *WOMEN LAWYERS: REWRITING THE RULES* 97–121 (1994); Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 *DUKE L.J.* 365.

<sup>168</sup> See Alexander, *supra* note 100, at 126.

<sup>169</sup> See *id.* at 126–27; Reminiscences, *supra* note 106, at 1–2.



Alexander "gratefully accepted" his offer of help, and for four months or more, she "had the privilege, once a week, of personal tutoring by a master in Orphans' Court law and practice."<sup>170</sup> One Friday he told her that she was ready to go out on her own, but reminded her that she could always come back for more tutoring if she needed it.<sup>171</sup> Apparently she did not, for she established an enviable record of practice in the Orphans' and other Philadelphia courts over the next half-century. Forty-five years later, in her signature essay on her experiences at the Philadelphia bar, she took time to thank the judge for his kindness and solicitude, writing that she could only hope that the quality of her work had been "such as fully to indicate the depth of my appreciation of Judge Thompson's concern for me and [his] unselfish contribution to my career as a lawyer."<sup>172</sup>

The story, however, was not as simple as Alexander wanted it to be. No male lawyer would have received the tutoring offered her, and a skeptical reader might view Judge Thompson's actions as, at best, an example of a benevolent patriarch attempting to offset the prejudices of his fellow judges. At worst, the incident might reveal that the Orphans' Court judges had no confidence in her abilities and worried that she would be an embarrassment. Even Alexander harbored a more complex and conflicted set of feelings about this experience than she let show in public. Five years after publicly thanking the judge in her essay, she gave substantially the same glowing and grateful description of her experience with the judge in an unpublished interview.<sup>173</sup> "However," she added at the end of the account,

as I reflect upon what was done, I'm wondering whether the judges didn't get together and decide that . . . she's coming in and we don't want to be tangled up with some woman, because they did have one woman in particular, who never knew what she was doing. And they thought, well they'd straighten me out from the beginning.<sup>174</sup>

Reflecting further on her experiences in Orphans' Court, she then recalled a case in which Judge Thompson had overseen the appointment of guardians for boys who were badly injured in an accident. Reviewing the amounts that the boys were awarded for their injuries, the judge turned to his tipstaff and muttered, "[D]id you ever see anything like this? What do you think of these niggers getting over a \$100,000?"<sup>175</sup> Possibly this was further evidence, Alexander thought,

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<sup>170</sup> Alexander, *supra* note 100, at 127.

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> See Transcript of Interview with Sadie Tanner Mossell Alexander, *supra* note 72, at 6-7.

<sup>174</sup> *Id.* at 7.

<sup>175</sup> *Id.*

that the judge had given her special treatment simply because he didn't want to get "tangled."<sup>176</sup> "Anyway," she concluded, "it was a great value . . . what he did."<sup>177</sup>

What should one make of this apparent solicitude for, or prejudice against, the first black woman lawyer to appear in a Philadelphia court? Even Alexander did not know. For Sadie Alexander, as for her peers at the black women's bar, experiences in court, interacting with clients, or dealing with fellow lawyers were overlaid with layers of race- and gender-based prejudices and perceptions, and it was often difficult to sort them all out. By the 1920s, women had only recently secured the right to practice law in every state,<sup>178</sup> and African American lawyers were just beginning to enter private practice in significant numbers. Black women lawyers had difficulty figuring out just where they fit in. Sometimes, discriminatory attitudes were blatant, as with the opponent who cursed Alexander after she prevailed in court. In many situations, however, discrimination manifested itself more ambiguously. Raymond Alexander might be perceived as the liberal-minded husband who gave his wife a job over his partner's objections, as well as the more ambiguous figure who steered her toward stereotypical and unrewarding women's work. Judge Thompson might be seen as both a kindly patriarch and a deeply prejudiced man. More importantly, the careers in which black women lawyers of the 1920s began their professional lives—probate, divorce, general office practice, and government employment—might be viewed as both conventional women's work that relegated them to the bottom of the profession, and as protected niches that allowed black women to define their role in the legal profession. Sadie Alexander never resolved these dilemmas, and perhaps she did not try. What she did do was use the ambiguities inherent in being a woman lawyer to create an entirely different mode of practice from the one in which she began.

This transition in her practice is evident in the evolution of her domestic relations cases. In the late 1920s and 1930s, lack of experience, her marginal position in the profession, and the economic depression combined to limit her practice to the service of marginal, low-paying clients. She later recalled that "if you got five dollars to go to court, you went to court for five dollars. . . . You were gaining

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<sup>176</sup> *Id.*

<sup>177</sup> *Id.* Sadie Alexander would have recognized the patronizing judicial attitudes that one of her black women correspondents, Lucia Theodosia Thomas, encountered in the early years of her law practice. During one trial, Thomas recalled that the judge stopped the entire proceedings and whispered to her: "Young lady, you're acquitting yourself *very well!*" The judge's comments could be heard throughout the courtroom. *Lady Lawyers: 70 Carry On Battle for Sex and Race Equality in Courts*, EBONY, Aug. 1947, at 18, 19 (emphasis in original).

<sup>178</sup> See CHESTER, *supra* note 40, at 8.

experience, and you were building a reputation so you counted all that in.”<sup>179</sup> By 1934, she was garnering about \$2,900 in earned income from her practice,<sup>180</sup> which would have been a modest sum a decade earlier, but was about average for a depression-era attorney.<sup>181</sup> In the early 1940s, she still found herself taking cases like Josephine Grove’s to the Municipal Court. Grove had previously secured a court order for the father of her illegitimate child to pay three dollars a week in child support, but the father’s income had risen, and Josephine, who was unemployed, sought an increased level of support. Alexander duly lodged the petition in the Municipal Court.<sup>182</sup> Yet even Grove’s case, for which she undoubtedly charged a modest fee, raised different issues from the pro forma, uncontested cases that populated her early divorce docket. Although there was significant carryover from her earlier work, by the early 1940s her divorce docket began to change. As she had hoped, Alexander was building a reputation and, aided by the improving economy, she was attracting cases that would tax her skills as a lawyer and negotiator.

In 1943, Sadie Alexander began to represent Mary Goode in a divorce proceeding that would drag on for two years. Unlike most of Alexander’s clients, Goode was a defendant in the action, which her husband, William, had filed for desertion. Goode could not pay the usual fee, so Alexander petitioned the court for an order directing William to pay both his and his wife’s attorney’s fees, at which point the proceeding bogged down.<sup>183</sup> By 1945, William had secured a new lawyer and a fresh round of negotiations ensued, finally producing an agreement for Mary to consent to the divorce in exchange for William paying Alexander’s counsel fee and \$150 to settle Mary’s alimony claim.<sup>184</sup> After the Master and court approved these arrangements, a grateful Mary Goode wrote to her lawyer, thanking her for finally resolving the matter and enclosing an additional five dollars to express her appreciation.<sup>185</sup>

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<sup>179</sup> Interview with Sadie Alexander, *supra* note 63, at 79.

<sup>180</sup> See Preliminary [Tax] Statement Summary for Sadie T.M. Alexander (1934) (STMA10).

<sup>181</sup> See ABEL, *supra* note 20, at 159–60.

<sup>182</sup> Pet. and Rule for an Order to Increase an Order for the Supp. of Paul Grove, Commonwealth *ex rel.* Grove v. Green (Phila. Mun. Ct. Juv. Div. 1943) (No. 17014) (STMA36).

<sup>183</sup> See Pet. for Counsel Fee, Goode v. Goode (Ct. Com. Pl. Phila. 1942) (No. 1927) (STMA35).

<sup>184</sup> Letter from Sadie T.M. Alexander to Fitzhugh Lee Styles (Mar. 24, 1943) (STMA35); Letter from Fitzhugh Lee Styles to Sadie M. Alexander (Apr. 30, 1943) (STMA35); Letter from William Cohen to Sadie T.M. Alexander (May 14, 1945) (STMA35); Letter from Sadie T.M. Alexander to Mary Goode (Oct. 18, 1945) (STMA35).

<sup>185</sup> See Letter from Mary Goode to Mrs. Alexander (Apr. 19, 1943) (STMA35).

At about the same time, Annie Sterling asked Alexander to negotiate her divorce, which her husband, James, sought for desertion. Alexander quickly established a cordial relationship with James's attorney, and they soon came to an agreement for James to pay both Alexander's counsel fee and alimony for Annie, to be approved by the court.<sup>186</sup> However, what looked to be a brief proceeding soon turned into one-and-a-half years of miscommunication when Annie Sterling's bigamous marriage came to light. It turned out that during a long separation in the couple's on- and off-again marriage of thirty-six years, Annie had married another man, with whom she had two grown sons. Annie and Sadie Alexander never quite connected with one another after that revelation, resulting in a succession of letters and meetings in which the two could not agree on the appropriate defense strategy or the desired result.<sup>187</sup> The Master eventually recommended that James's divorce be granted, without alimony.<sup>188</sup> Cases like Annie Sterling's and Mary Goode's occupied a significant portion of Alexander's domestic relations docket by the 1940s, although she continued to accept pro forma divorces. Messy domestic quarrels and disagreements with clients and opposing counsel became the norm for her docket, and Alexander's task as a lawyer began to focus on the sorting out of complicated family disputes.

Sadie Alexander's probate practice underwent a similar evolution, and she was probably warming to her bigamous clientele when Dorothy Rolle walked into her office in the early 1940s with what seemed an almost certain recovery with a large fee. Dorothy's husband, Tony, had died at sea during World War II, and his estate, including a \$5,000 war risk insurance policy, was in probate in the Orphans' Court. Three women claimed to be Tony's widow, but upon learning that Dorothy had married him first, Alexander cheerfully told her client: "I expect you will collect."<sup>189</sup> Dorothy, however, soon found herself apologizing to her lawyer when it turned out that Tony wasn't the only one with multiple spouses.<sup>190</sup> Dorothy had been married previously, just before the onset of the Depression, but her first husband had quickly disappeared. Four years later, she and Tony were married, and they decided to dispense with the formality and cost of obtaining her divorce from her first husband.<sup>191</sup> Apparently, Tony was so fond of this process that he moved to Virginia and re-

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<sup>186</sup> See Letter from Irving J. Katz to Sadie Mossell Alexander (May 4, 1943) (STMA36).

<sup>187</sup> See Letter from Annie Sterling to Alexander (Aug. 31, 1944) (STMA36); Letter from Sadie T.M. Alexander to Annie Sterling (Sept. 5, 1944) (STMA36); Letter from Sadie T.M. Alexander to Annie Sterling (Sept. 15, 1944) (STMA36).

<sup>188</sup> See Master's Report, *Johnson v. Sterling* (Phila. Mun. Ct. 1944) (STMA36).

<sup>189</sup> See Letter from Sadie T.M. Alexander to Dorothy Rolle (Sept. 2, 1942) (STMA37).

<sup>190</sup> Letter from Dorothy Rolle to Mrs. Alexander (n.d.) (STMA37).

<sup>191</sup> See Letter from Sadie T.M. Alexander to Oliver W. Hill (May 17, 1943) (STMA37).

peated it, then repeated it again before he died, resulting in a web of serial unions.<sup>192</sup> After sorting these confused nuptial arrangements, a chagrined Alexander activated her network of black attorney correspondents and asked Oliver Hill, who practiced in Virginia, to assist her.<sup>193</sup> A flurry of correspondence and factual investigations in two states ensued. Alexander and Hill eventually concluded that Dorothy's case was hopeless,<sup>194</sup> and Alexander reluctantly withdrew the claim.<sup>195</sup>

It was the James Windsor case, however, that probably convinced Sadie Alexander that she was no longer in the world of bookkeeping. Commensurate with her augmented reputation, when James died in 1942 leaving no will, the Orphans' Court appointed Alexander as the administrator of an estate that included \$5,000 in bank accounts, stock and mortgages, three residential rental properties, and a home in Philadelphia.<sup>196</sup> She immediately went to work collecting rents, evicting tenants, paying taxes, managing the properties, and preparing to divide the real estate and other assets among a geographically scattered family that included a brother, sisters, nieces, and nephews. What initially appeared to be a job of simple administration turned into six years of frustrating negotiation between jealous relatives who barely knew one another and Sadie Alexander, whom none of them knew.<sup>197</sup> By 1943, the relatives were already accusing each other of

<sup>192</sup> See *id.* Serial marriages—often without a legal divorce from the previous spouse—were common among many groups of Americans at least since the early nineteenth century, particularly among the poor and transient. See HARTOG, *supra* note 39, at 87–92, 242–86.

<sup>193</sup> See, e.g., Letter from Sadie T.M. Alexander to Oliver Hill (May 12, 1943) (STMA37). The Alexanders, like many black lawyers, used the National Bar Association (the professional group for black lawyers) as their main source for referrals and consultations with out-of-state attorneys. Charles Houston's firm in Washington, D.C., and Oliver Hill's in Virginia were two such firms with whom the Alexanders remained in close contact. Black lawyers were still excluded from Southern bar associations and even some Northern ones, and thus were forced to rely largely on their own professional networks. See Raymond Pace Alexander, *The Negro Lawyer* (n.d.) (Raymond Pace Alexander Papers, Box 96, on file with the University of Pennsylvania Archives and Records Center). Hereinafter, locations in the Raymond Pace Alexander papers will be designated as RPA, followed by a number that indicates the box in which the documents are stored at the University of Pennsylvania Archives and Records Center, e.g., (RPA96).

<sup>194</sup> Letter from Oliver W. Hill to Sadie T.M. Alexander (May 15, 1943) (STMA37); Letter from Sadie T.M. Alexander to Oliver W. Hill, *supra* note 191; Letter from Oliver Hill to Sadie T.M. Alexander (May 21, 1943) (STMA37).

<sup>195</sup> See Letter from Sadie T.M. Alexander to Dorothy Rolle (July 2, 1943) (STMA37).

<sup>196</sup> See Letter from Sadie T.M. Alexander to Jane Du Bois (June 8, 1942) (STMA32).

<sup>197</sup> See *Power of Att'y, In re Estate of Windsor* (Orphans' Ct. Phila. County 1942) (No. 91) (STMA32); Rule to Accept or Refuse Partition Act Sections 22, 20 PS 1302, *In re Estate of Windsor* (No. 91) (STMA32); First and Final Account of Sadie T.M. Alexander, Administratrix and Trustee in Partition, *In re Estate of Windsor* (No. 91) (STMA32); Letter from Sadie T.M. Alexander to Jane Du Bois, *supra* note 196; Letter from Sadie T.M. Alexander to Joanne Houston (Apr. 8, 1943) (STMA32); Letter from Sadie T.M. Alexander to Jackie B. Windsor (Apr. 13, 1943) (STMA32); Letter from Sadie T.M. Alexander to Oscar Wind-

stealing from the estate and could not agree among themselves to sell any of the properties. They soon began to accuse even Alexander herself of theft.<sup>198</sup> Much of the dispute came to center on Jackie Windsor, James's sister, with whom Alexander could never quite come to any meeting of minds. By 1944, Jackie was consulting her own lawyer.<sup>199</sup> Alexander soldiered on for four more years as heirs variously died, were shipped overseas during the war, and continued their accusations of fraud. During this process, the scattered heirs seemed to be in contact with each other only through Alexander's persistent letters, urging them to trust one another (and herself), talk to one another, and come together as a family to resolve the matter.<sup>200</sup> Alexander finally gave up in 1947. One year later, she requested that the court partition the property, with the remaining \$22,000 in assets apportioned among the still-divided Windsors.<sup>201</sup>

While matters like the Windsor estate brought in a substantial amount of hard-won income to the firm, they remained one-shot deals. Courts rarely referred matters to the firm, and while individual clients sometimes returned for repeat business or referred their friends and relatives to Sadie or Raymond, an institutional clientele was what the Alexanders most coveted. They, like most lawyers, yearned for organizational clients that brought larger fees and recurring business. By the 1940s, Sadie Alexander's growing notoriety placed her in the position to land the most desirable of such clients for an African American lawyer—the black church. Black churches existed in even the poorest of communities and inevitably brought with them real estate transactions, tax matters, and church schisms that could be grist for the mill of an enterprising attorney. That spirit of enterprise was evident at the Alexander firm when Sadie brought in the A.M.E. Church, the largest and best-organized black church in America.<sup>202</sup> Its founding branch was located just outside the city's traditionally black 7th Ward, where her grandfather had published the Church's quarterly review.<sup>203</sup> Sadie Alexander's newfound prominence and her longstanding familial connections to the church made it only natural that she and the church leadership form a mutually beneficial alliance. When disgruntled church members filed a lawsuit in 1944, challenging the legitimacy of certain church officers of St.

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sor (July 14, 1943) (STMA32); Letter from Sadie T.M. Alexander to the heirs of James E. Windsor (Oct. 1, 1945) (STMA32).

<sup>198</sup> See, e.g., Letter from Sadie T.M. Alexander to Joseph L. Bartley (Feb. 22, 1944) (STMA32).

<sup>199</sup> *Id.*

<sup>200</sup> See, e.g., Letter from Sadie T.M. Alexander to the heirs of James E. Windsor, *supra* note 197.

<sup>201</sup> See First and Final Account, In Re *Estate of Windsor* (No. 91).

<sup>202</sup> See *supra* note 119.

<sup>203</sup> See *Interview with Sadie Alexander*, *supra* note 63, at 70.

John A.M.E., one of the church's Philadelphia branches, the A.M.E. Church turned to the Alexanders for its defense.<sup>204</sup>

The Alexander firm had expertise in handling this kind of case. It was a type of lawsuit that grew out of the titanic struggles that reverberated through black churches from time to time, when differing factions within a church, or the minister and deacons, fought with each other for control of the institution.<sup>205</sup> The losing parties might be put out of the church, which often was the community that mattered most in their lives; the winners gained control over both the institution and thousands of dollars in property. For ministers, defeat in such a contest also meant the loss of their livelihoods. Because the stakes were so high, the parties frequently wound up in court, where they secured injunctions and counterinjunctions until one judge took control of the matter and appointed a Master to examine the church's bylaws and, if necessary, supervise a vote of church members to decide the winner.<sup>206</sup> Black Baptist churches, with their congregational autonomy, were particularly vulnerable to power struggles between ministers and deacons, and Raymond Alexander made a specialty of handling these cases when they arose.<sup>207</sup> Sadie and Raymond worked on the St. John A.M.E. case jointly. They divided up their expertise, with Raymond drafting the pleadings and motions, and Sadie corresponding and negotiating with both opposing counsel and the Master, Herbert Millen. When Millen recommended the case's dismissal, the Alexanders undoubtedly gained powerful new allies within the church hierarchy.<sup>208</sup>

It was real estate, tax, and other business matters, however, that provided Sadie Alexander with most of her regular business with church clients. Churches were the wealthiest property owners in many black communities, and it was the management of this property

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<sup>204</sup> See Master's Report, *Davis v. Jamison* (Ct. Com. Pl. Phila. 1944) (No. 3499) (STMA35).

<sup>205</sup> See, e.g., TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63*, at 1-26 (1988).

<sup>206</sup> See, e.g., Master's Report, *Davis* (No. 3499).

<sup>207</sup> In 1960, Raymond's expertise in church schism cases would land him in the middle of a power struggle between Martin Luther King, Jr. and J.H. Jackson over control of the National Baptist Convention at its annual convention in Philadelphia. King, who wanted to make the convention into an arm of the civil rights movement, and Jackson, who represented the old guard, secured opposing injunctions in the federal courts. The federal judges turned to Raymond, as the city's first and only black Court of Common Pleas judge, to advise them. The courts eventually renounced their jurisdiction, forcing King to wait a year before making another attempt. See BRANCH, *supra* note 205, at 335-39.

<sup>208</sup> See Master's Report, *Davis* (No. 3499); Letter from Sadie T.M. Alexander to Herbert E. Millen (Jan. 12, 1945) (STMA35). Years later, Sadie would be caught up in a power struggle at Greenland A.M.E., representing the Church Trustees in a battle with the minister over control of the Church's property. See Compl. in Equity, *Laboo v. Stevenson* (Ct. Com. Pl. Phila. 1961) (No. 2165) (STMA34); Prelim. Inj., *Laboo* (No. 2165) (STMA34).

that could generate regular and large fees for church-affiliated lawyers. For example, when Monumental A.M.E. had trouble purchasing some Center City property that it needed for a mission, the church turned to Alexander for her assistance in obtaining clear title to the land.<sup>209</sup> Likewise, when A.M.E. Bishop John Jefferson needed help purchasing a church building in Harrisburg, the state capital, he asked Alexander to oversee the transaction.<sup>210</sup> These types of church representation were also a means of advertising one's services to the pastor and the congregation. Alexander, for instance, handled a real estate transaction for Reverend Julius Langhorne in 1942,<sup>211</sup> followed by a criminal case (handled by Raymond) for a church member in 1943,<sup>212</sup> and negotiations over settlement in an automobile accident for Reverend Langhorne the following year.<sup>213</sup> A simple nonprofit incorporation for the Saints of Grace Church in 1950 also generated several tax and real estate matters spanning a period of sixteen months. When Alexander realized that the pastor's wife, Mrs. Groomes, held title to the church's property and owed back taxes on it, Alexander arranged payment of the back taxes and a deed of property from Mrs. Groomes to the church, which was now incorporated as a separate entity and exempt from further taxation.<sup>214</sup> Repeat business and access to additional networks of potential clients made churches a coveted clientele for black lawyers, and by the mid-1940s, Alexander was bringing in a significant number of such clients to the firm.

Sadie Alexander's role in the complex familial and religious cases that dominated her docket during this period presented her with unprecedented challenges. Everyday lawyering required her to become intimately involved in the personal details of her clients' lives, whether it be their marital arrangements in her divorce and probate cases, or their religious obligations (and her own) in many of her church cases. Her practice had moved away from the detailed, repetitive work of her

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<sup>209</sup> See Letter from Sadie T.M. Alexander to Rev. Michael Dudley (Feb. 7, 1945) (STMA37); Letter from Sadie T.M. Alexander to Pennsylvania Company (Feb. 12, 1945) (STMA37); Letter from Sadie T.M. Alexander to Rev. Jack Findley (Apr. 4, 1945) (STMA37).

<sup>210</sup> See Letter from William H. Neely to Sadie T. Alexander (Mar. 31, 1945) (STMA36).

<sup>211</sup> See Letter from Sadie T.M. Alexander to J.P. Meehan (Jan. 30, 1942) (STMA37).

<sup>212</sup> See Letter from Raymond Pace Alexander to Julius Langhorne (Aug. 11, 1943) (STMA37).

<sup>213</sup> See Letter from Sadie T.M. Alexander to Bartholomew Sicuglienio (Nov. 3, 1944) (STMA 37).

<sup>214</sup> See Articles of Incorporation, *In re* Saints of Grace Church (Phila. Ct. Com. Pl. 1951) (STMA37); Letter from Sadie T.M. Alexander to Mr. Bullock (Aug. 7, 1950) (STMA37); Letter from Sadie T.M. Alexander to William W. Bunn (Nov. 21, 1951) (STMA37); Letter from J. Paul Lyet to Sadie T.M. Alexander (Nov. 28, 1951) (STMA37); Letter from J. Paul Lyet to Sadie T.M. Alexander (Dec. 12, 1951) (STMA37); Letter from Sadie T.M. Alexander to Lori Groomes (Dec. 17, 1951) (STMA37).



early career towards something more evocative of the classic office practice of late-nineteenth-century corporate lawyers.<sup>215</sup> Alexander's role as a lawyer required her to dispense advice to a client who might want guidance in collecting money, obtaining a divorce, or managing real estate, but it never stopped there. Her job quickly evolved into a liaison role involving mediation between rival familial claimants to a will, or multiple spouses in a divorce, or between sacred and secular obligations in a church case. In the Windsor case, for instance, Alexander had to dispense familial as well as legal advice, and she looked upon many of her religious cases as involving both professional and religious obligations.

While Alexander's clientele differed markedly from that of classic corporate office practitioners, she may have shared these practitioners' discomfort with courtroom advocacy and jury trials, as well as their preference for tasks that focused on advice-giving, negotiation, and increasingly, the management of clients' private affairs—an ironic development, given her public endorsement of court-centered litigation as a professional aspiration.<sup>216</sup> Indeed, the Alexander firm came to resemble, in many ways, those nineteenth-century firms out of which office practice first emerged—firms that made use of a division in skills between their two main partners. One partner was the courtroom advocate, the archetypal role for a nineteenth-century lawyer.<sup>217</sup> The other was the “office man,” as Willard Hurst described it,<sup>218</sup> or the “office woman,” as Sadie Alexander and her sisters in husband-and-wife practice would have put it. In this sense, it was Sadie's career rather than Raymond's that was more in line with the long-term trends in law practice and held more possibilities for professional ad-

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<sup>215</sup> For more on the classic office practice of late-nineteenth-century corporate lawyers, see HURST, *supra* note 27, at 303.

<sup>216</sup> See *supra* note 93 and accompanying text. One clue to Sadie Alexander's private attitude with regard to litigation, particularly criminal cases, is contained in a letter written to the presiding judge in one case: “[A]lthough I have been at the Bar for more than fifteen years, today was the first time I have handled a case in the criminal [c]ourts. I always felt incapable of measuring up to the requirements of a criminal lawyer. However, . . . Raymond insisted that I must handle this case . . . .” Letter from Sadie T.M. Alexander to Hon. Adrian Bonnelly (Mar. 15, 1944) (STMA6). According to a 1951 article, Alexander's contemporary at the black women's bar, Edith Spurlock Sampson, suffered from stage fright and often waived jury trials when she came to court, preferring to face the judge alone. Dale Kramer, *America's Newest Diplomat*, NEW REPUBLIC, Jan. 22, 1951, at 15. Such statements are capable of two distinct interpretations. They might indicate that these women truly disliked courtroom advocacy and jury trials. Alternately, perhaps Alexander and her peers were merely playing to the gender-based expectations of judges and the general public.

<sup>217</sup> See HURST, *supra* note 27, at 303.

<sup>218</sup> *Id.*

vancement, as the continued evolution of the Alexander firm would demonstrate.<sup>219</sup>

The changes occurring in Sadie Alexander's practice during the early 1940s were the product of a long-term evolution in the legal and social structure of Philadelphia. The municipal, orphans', and domestic relations courts in which she plied her trade had appeared in many large cities in the late nineteenth century, when reformers tried to rationalize the polyglot judicial forums that sprang up as immigration and industrialization doubled the populations of cities like Philadelphia.<sup>220</sup> The city's black population itself doubled in the two decades preceding the 1920s, particularly during World War I when unskilled laborers were drawn to jobs in the city.<sup>221</sup> It would double again in the next two decades as more migrants streamed in from the South.<sup>222</sup>

Sadie Alexander's clientele was a product of this world of geographic mobility, which pushed and pulled black migrants toward and away from the city, and their families, as work conditions required. Families spread apart from one another, only to be drawn back together when a family member died and left a will to be probated, or insurance proceeds to be distributed among heirs, or serial spouses who might be scattered across half the country.<sup>223</sup> Storefront religious congregations like the Saints of Grace quickly sprang up as migrants moved into Alexander's neighborhood in North Philadelphia, and just as rapidly discovered that their religious world intersected with the legal—if only in the form of tax regulations, corporation law, and the need to manage real estate.<sup>224</sup> Older denominations like Alexander's own African Methodists suddenly found that they needed new church buildings and missions to service the city's growing African American population.<sup>225</sup> The modernist sensibility created by this world of geographic mobility is perhaps best captured in Ralph Ellison's partly autobiographical account of circa-1940 urban black life in *Invisible Man*.<sup>226</sup> The book's protagonist arrives in New York's Harlem

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<sup>219</sup> The emerging trend among mid-twentieth-century firms was for attorneys who represented institutional clients to generate more fees than those who represented individuals. See *id.* at 313. The Alexander firm remained an exception to this trend, as Raymond continued to generate the large majority of the Alexander firm's fees. Several factors explain this seemingly anomalous result. Sadie's work schedule was still limited by her domestic duties, and African American communities were not yet in a position to generate the types of institutional clients that could make a lawyer wealthy.

<sup>220</sup> See HURST, *supra* note 27, at 149–57; see also FRANKLIN, *supra* note 62, at 8 tbl.1 (synthesizing U.S. Census Report statistics).

<sup>221</sup> See FRANKLIN, *supra* note 62, at 8 tbl.1, 15–17.

<sup>222</sup> See *id.*

<sup>223</sup> See, e.g., *supra* notes 196–200 and accompanying text.

<sup>224</sup> See, e.g., *supra* note 214 and accompanying text.

<sup>225</sup> See, e.g., *supra* note 209 and accompanying text.

<sup>226</sup> RALPH ELLISON, *INVISIBLE MAN* (1952).

and finds it teeming with Southern migrants, urban-rural cultural conflicts, and confidence men who might be criminals one minute and preachers the next. It was a place of ever-shifting, mongrelized identities. "In the South everyone knew you, but coming North was a jump into the unknown,"<sup>227</sup> Ellison wrote. "You could actually make yourself anew. The notion was frightening . . ."<sup>228</sup> Frightening perhaps, but also familiar to people like Tony Rolle and Mamie Jones, who cast aside old identities and families as they moved from place to place,<sup>229</sup> or to the widely dispersed Windsor family, bound together only by a piece of paper written by a relative in Philadelphia and an enterprising attorney.<sup>230</sup>

In this milieu, an office practitioner like Sadie Alexander was required to be a "social engineer," as Charles Houston famously put it,<sup>231</sup> but in a somewhat different sense than Houston intended. While Houston spoke of the need for lawyers to work a revolution in race relations and civil rights,<sup>232</sup> the everyday task for black women lawyers like Sadie Alexander was more modest—offering advice and stitching together social networks that were strained by the challenges of urban life. In this respect, Alexander's law practice resembled the social work positions that were becoming feminized as many educated women used them to enter professional life.<sup>233</sup> However, Alexander hardly found this confining. Court systems were changing, as cities like Philadelphia sought to incorporate domestic disintegration, juvenile delinquency, and other newly defined social problems into their legal regimes.<sup>234</sup> The social structure of the city changed too, as African Americans moved, sought work, married, divorced, and formed churches and new neighborhoods. It seems only natural that there would be room in this social scene for a black woman lawyer's role to change as well.

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<sup>227</sup> *Id.* at 377.

<sup>228</sup> *Id.* For an insightful account of the black migration and the heterogeneity of early twentieth-century urban life, see ANN DOUGLAS, *TERRIBLE HONESTY: MONGREL MANHATTAN IN THE 1920s* (1995).

<sup>229</sup> See *supra* notes 189–95 and accompanying text.

<sup>230</sup> See *supra* notes 196–201 and accompanying text. Sadie Alexander had first-hand experience with such mobility within her own family. Her father had abandoned her mother during Sadie's youth and the family seemed to lose track of him. Apparently, he moved on to his boyhood home in Lockport, New York, after which the record of his life and career trailed off. See SMITH, *supra* note 11, at 153–54 (discussing Aaron Albert Mossell); *Interview with Sadie Alexander*, *supra* note 63, at 75 (stating that her father "deserted" her mother).

<sup>231</sup> See Charles H. Houston, *The Need for Negro Lawyers*, 4 J. NEGRO EDUC. 49, 51 (1935).

<sup>232</sup> See *id.* at 51–52.

<sup>233</sup> See LINDA GORDON, *PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE 1890–1935*, at 73 (1994).

<sup>234</sup> See HURST, *supra* note 27, at 154–57.

## III

SOCIAL ENGINEERING AS EVERYDAY PRACTICE: SADIE  
ALEXANDER'S RECONSTRUCTION OF HER  
PROFESSIONAL WORLD

Sadie Alexander was an active participant in the re-creation of her role as a lawyer. She remained largely unaware of her predecessors at the black women's bar, but she did not lack for templates on which to model her social and professional interactions. As J. Clay Smith has argued, black women lawyers of her era were successors to a late-nineteenth-century "feminist intelligentsia,"<sup>235</sup> composed of middle class black women such as Gertrude Mossell, Anna Julia Cooper, and Ida B. Wells, who began to carve out a place for educated black women in a society that often did not recognize them.<sup>236</sup> As a strategy for acceptance in a world where black respectability was supposed to be an oxymoron, many in this group internalized the late-Victorian manners and mores of the respectable whites of their era.<sup>237</sup> Alexander looked upon these black women as foremothers or, in the case of Gertrude Mossell, literally as an aunt.<sup>238</sup> Within her generation, Sadie Alexander personified the transmission of the respectable ideal to a new generation of black women: scion of two of black America's first families;<sup>239</sup> graduate of M Street High, the training ground for the country's black elite;<sup>240</sup> second African American woman to receive a Ph.D.;<sup>241</sup> first national president of Delta Sigma Theta, one of the nation's oldest and largest black sororities;<sup>242</sup> co-founder of Jack and Jill, the organization that networked the children of the nation's black middle class.<sup>243</sup> The list goes on.

Alexander drew on this reservoir of respectability in her professional interactions as a lawyer, where she found it quite useful. De-

<sup>235</sup> See J. Clay Smith, Jr., *Introduction: Law Is No Mystery to Black Women*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS*, *supra* note 11, at 1, 5 (attributing this term to Barbara Omolade).

<sup>236</sup> See *id.* at 5-6.

<sup>237</sup> For a discussion of late-Victorian black women's respectability, see EVELYN BROOKS HIGGINBOTHAM, *RIGHTEOUS DISCONTENT: THE WOMEN'S MOVEMENT IN THE BLACK BAPTIST CHURCH 1880-1920*, at 185-229 (1993). For a generalized argument making similar points about early-twentieth-century middle-class black culture, see KEVIN K. GAINES, *UPLIFTING THE RACE: BLACK LEADERSHIP, POLITICS, AND CULTURE IN THE TWENTIETH CENTURY* xiv, 1-5, 234-60 (1996).

<sup>238</sup> Sadie Alexander cited a childhood encounter with a prominent member of this group, Mary Church Terrell, as an early influence on her desire to participate in public life. See Letter from Sadie T.M. Alexander to George S. Schuyler (Sept. 4, 1942) (STMA6); Transcript of Television Interview with Sadie Alexander 3 (Aug. 14, 1980) (STMA72).

<sup>239</sup> See *Interview with Sadie Alexander*, *supra* note 63, at 70.

<sup>240</sup> See *supra* note 69.

<sup>241</sup> Fraser, *supra* note 9.

<sup>242</sup> *Id.*

<sup>243</sup> See Charter Member Certificate of Jack and Jill of America, Inc. (n.d.) (STMA71).

spite the mixing and blending of its working-class African American culture, Philadelphia's upper class whites still hearkened back to the late nineteenth century, when the Philadelphia gentleman became the archetype of an inward-looking, native-born Protestant male elite that began to dominate the business and financial power structures in Boston, New York, and Philadelphia.<sup>244</sup> Early-twentieth-century Philadelphia possessed a bar association that was over a century old.<sup>245</sup> It was home to an anti-slavery society that continued to meet dutifully a half century after the abolition of slavery, and its Union League occupied a prominent Center City location just down the street from City Hall.<sup>246</sup> By 1940, this group of proper Philadelphians had reached the apex of their power and influence in the city. Like the black aristocracy, the city's white elite was a self-conscious group, recognizing each other as much by their manners and mores as by their common religious and ethnic backgrounds.<sup>247</sup> While the Alexanders could never join this group, they shared many of its values and were able to make common cause with it, giving them social and professional benefits.

Even before she began law school, Sadie Alexander was building relationships with influential whites who would be useful to her later. In fact, the paradigmatic story of this relationship-building began in the fall of 1923 when she and Raymond were about to be married. The Alexanders needed to furnish a home, and relied on the recommendation of a well-connected friend to purchase \$1,000 in furniture on credit from John Wanamaker's department store in Center City Philadelphia.<sup>248</sup> Having few assets of their own, they needed a reputable person to vouch for their characters to obtain a line of credit that few African Americans of their day could have secured. This made quite an impression on Sadie, and thirty years later she still recalled that "[t]his sum of money . . . seemed like a fortune to Mr. Alexander and me, young people who had no assets other than their health, training and integrity."<sup>249</sup> Yet, integrity itself was an asset, and a necessary element in building a relationship with what the leading sociologist of the city's upper class called "Proper Philadelphia's favorite department store."<sup>250</sup> Influential whites might trust blacks who ad-

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<sup>244</sup> See E. Digby Baltzell, *Philadelphia Gentlemen: The Making of a National Upper Class 31-36* (Transaction Publishers 1989) (1958).

<sup>245</sup> Geraldine Segal, *Blacks in the Law: Philadelphia and the Nation 33-34* (1983).

<sup>246</sup> See Baltzell, *supra* note 244, at 344; Guide to the Manuscript Collections of the Historical Society of Pennsylvania, at entry 490 (2d ed. 1949).

<sup>247</sup> For an in-depth discussion of the Philadelphia elite, see generally Baltzell, *supra* note 244.

<sup>248</sup> See Letter from Sadie T.M. Alexander to Richard C. Bond (Jan. 6, 1954) (STMA36).

<sup>249</sup> *Id.* at 1.

<sup>250</sup> Baltzell, *supra* note 244, at 78.

hered to the same respectable values as their own, particularly when people of known integrity vouched for them. Reputation was an asset that could be traded like any other, and particularly so among the city's inbred elite.

Once the firm began to prosper and the Alexanders paid off their loan to Wanamaker's, Sadie Alexander began to exploit her growing reputation in the city's business community. She soon developed a trusting relationship with the managers of Wanamaker's, Gimbel Brothers, and other downtown department stores, referring African American clients and friends for credit and vouching for their reliability. In keeping with the social conventions of her day, she would entrust to a client or friend a generic note on firm letterhead addressed to the store's management, identifying the "bearer of this letter" as a trustworthy and creditworthy person.<sup>251</sup> For example, at the conclusion of a successful negotiation on behalf of Gladys Davis, Alexander convinced the trustee holding funds for Davis's son, Richard, to pay his routine expenses for clothing and medicine.<sup>252</sup> Even before the funds were paid out, Alexander was able to dispatch her client with the usual "bearer of this letter" note to Gimbel Brothers, requesting that the store's managers provide Gladys with thirty dollars in clothing on credit.<sup>253</sup> What Sadie Alexander sold to clients like Davis was not only her skill at the tasks of drafting, argument, and legal analysis usually associated with lawyering, but also reputation. An association with the Alexander firm imparted respectability to black Philadelphians, and this association helped Sadie Alexander maintain and expand her base of clients.

Yet, not all clients lived up to the respectable ideals that Sadie Alexander prized. Serious differences of class, region, and culture sometimes separated her from a clientele that included Southern migrants as well as Northern old settlers, and unskilled laborers as well as bourgeois bankers. Indeed, she admitted that one of her earliest experiences with cultural difference came during a two-year sojourn in North Carolina while pursuing her initial career as an economist, where she found her lack of commonality with Southern blacks just as disconcerting as the prejudices of whites. Turnip greens and other markers of black folk culture perplexed her, and she was eager to return North when she accepted Raymond's marriage proposal.<sup>254</sup> Once she began practicing law, it soon became clear that a significant part of her job would be the dispensing of friendly advice to clients

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<sup>251</sup> See, e.g., Letter from Sadie T.M. Alexander to Gimbel Brothers, *supra* note 127.

<sup>252</sup> See *id.*; Letter from Sadie T.M. Alexander to William Rodgers, *supra* note 127.

<sup>253</sup> Letter from Sadie T.M. Alexander to Gimbel Brothers, *supra* note 127.

<sup>254</sup> See Transcript of Interview with Sadie Tanner Mossell Alexander, *supra* note 72, at 4-5.

who were not quite as reputable as she would like. Robert King, for instance, proved to be a challenging client. When Alexander was preparing for a hearing on his claim against his former employer's estate, she lost contact with King and was forced to hire an investigator to track him down in New York City.<sup>255</sup> After locating her client, she arranged for him to return to Philadelphia for consultations, reminding him, "I do not think it is necessary for me to suggest that you come over in good condition so that you will be able to talk business."<sup>256</sup> King's peripatetic habits seem to have stemmed from a substance abuse problem, and Alexander tried to nudge him back toward the sobriety and self-control that she expected of herself and her clients.

When Eva Grimes was referred to the Alexanders by a Harlem law firm in the fall of 1943, Sadie's initial impulse was to dispense friendly advice rather than strictly legal counsel. Grimes had come from New York in pursuit of her boyfriend, Leighton Miller, who had physically abused her, stolen her money, and run off to Philadelphia.<sup>257</sup> Meeting with Grimes, Alexander found her distraught, confused and "more in need of comfort, kindly advice and solicitous care than legal actions."<sup>258</sup> For a ten dollar consultation fee, Alexander wrote a letter to Miller demanding the return of Grimes's money and gave her some motherly advice. She recalled that "my advice to her was to mark it up to experience, stop worrying herself into old age by rehearsing the facts in the case, dress herself up, [and] find another boy friend [sic]" with whom she could have a decent and satisfying relationship.<sup>259</sup>

While Alexander's advice to Grimes was inflected with maternal concern, much of the friendly counsel that she gave to her wayward clients was motivated by a strong set of religious beliefs, and she often took moral as well as professional pride in straightening out their complicated domestic affairs. For example, after successfully bringing a divorce action, as usual for desertion, on behalf of Lewis Harris, she was pleased to give Harris his final divorce decree along with a brief homily on his newfound legitimacy: "I know you are happy to have this marriage dissolved and be free to enter into a lawful marriage so that you can live in a manner to be respected not only by all men but

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<sup>255</sup> See Letter from Robert King to Mr. Alexander (Feb. 10, 1942) (STMA36); Letter from Sadie T.M. Alexander to Robert King (Feb. 17, 1942) (STMA36); Letter from Sadie Alexander to Arthur N. Seiff (Dec. 1, 1942) (STMA36); Letter from Sadie T.M. Alexander to Robert King (Dec. 7, 1942) (STMA36); Letter from Sadie T.M. Alexander to Arthur N. Seiff (Dec. 14, 1942) (STMA36).

<sup>256</sup> Letter from Sadie T.M. Alexander to Robert King (Jan. 5, 1943) (STMA36).

<sup>257</sup> See Letter from Sadie T.M. to Hope R. Stevens (Aug. 5, 1943) (STMA35).

<sup>258</sup> *Id.* at 1.

<sup>259</sup> *Id.*

by the All-Seeing Eye, Our Father.”<sup>260</sup> In her day-to-day practice, Alexander not only traded on her reputation in the service of her clients, but also began to shape those clients through a combination of friendly, legal, and religious advice, into the image of respectable black Philadelphians that she found appropriate.<sup>261</sup>

This type of advice-giving was not solely the imposition of Alexander’s own hegemonic moral beliefs on an innocent clientele. In many ways, the law itself was shot through with a certain moral sense of how her clients should comport themselves, particularly in the divorce cases and complex family disputes that populated her docket. The Pennsylvania divorce statute applicable in the 1940s, for instance, allowed an “innocent and injured spouse” to bring an action for divorce.<sup>262</sup> Divorces were available only for fault; in order to obtain a divorce, the allegedly innocent spouse could show that the other was guilty of any number of acts whose only commonality was their association with moral turpitude.<sup>263</sup> In Annie Sterling’s divorce case, for example, Annie’s claim for alimony was done in by her bigamous conduct (which had produced two sons) and by the fact that she had thrown her husband and his possessions out of their home.<sup>264</sup> The Master’s report variously referred to her husband as “a hard-working laborer”<sup>265</sup> and “a colored gentleman of limited education.”<sup>266</sup> The Master found Annie, by contrast, to be an abusive spouse who had admitted that she broke her marriage vows for sexual gratification, and who had inflicted needless suffering upon her patient husband before finally deserting him.<sup>267</sup>

Even outside the divorce context, assumptions of correct and incorrect moral conduct permeated the legal decisionmaking process. In Dorothy Rolle’s case, for instance, Sadie Alexander informed her client that the validity of her claim on Tony Rolle’s estate would turn not only on the question of whether she and Tony were legally married, but also on her conduct since the two had separated: “If you have been living a good life since you left your husband and there is no

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<sup>260</sup> Letter from Sadie T.M. Alexander to Louis Harris (Nov. 19, 1943) (STMA37).

<sup>261</sup> Sometimes, Sadie Alexander prodded her clients and their relatives toward respectability for more self-interested reasons. This was her standard strategy when her fees remained unpaid. At such times, she usually reminded her clients that they might need her services again, and tried to invoke feelings of honesty, integrity, and guilt to get them to pay up. See, e.g., Letter from Sadie T.M. Alexander to Ruth Polk (Jan. 12, 1945) (STMA39); Letter from Sadie T.M. Alexander to Diane Caruso (May 18, 1954) (STMA36); Letter from Sadie T.M. Alexander to Diane Caruso (June 30, 1954) (STMA36); Letter from Diane Caruso to Mrs. Alexander (n.d.) (STMA36).

<sup>262</sup> See Master’s Report at 9, *Johnson v. Sterling* (Phila. Mun. Ct. 1944) (STMA36).

<sup>263</sup> See, e.g., *id.*

<sup>264</sup> See *id.* at 7, 9.

<sup>265</sup> *Id.* at 7.

<sup>266</sup> *Id.* at 8.

<sup>267</sup> See *id.* at 7–9.



man with whom they could connect you and if you now live, as you state, with your mother and father and have a good reputation, you have nothing to fear.”<sup>268</sup> As Alexander knew from experience, the Orphan’s Court judges, in deciding which claimant was truly married to Tony, could be subtly influenced by their own assumptions of morality and desert. Hence, she wanted to present her client in the proper light.

Similarly, she advised Beatrice Jean, who was becoming attached to a foster child that she desired to adopt, that Jean first had to sort out her complicated personal life, starting with obtaining a divorce: “I do not need to tell you the many problems that you may face if you do not straighten out your marital affairs. I will be glad to work along with you and do all I can to straighten out this matter.”<sup>269</sup> Cases like those of Jean, Rolle, and Sterling cast Sadie Alexander in the role of a mediator between clients who were representatives of a heterogeneous social reality and a legal regime premised on ideas of temperance and family organization that did not always fit with that reality. Much of the advising, nudging, and cajoling that she gave her clients was directed toward presenting the city’s courts with a picture of those clients’ lives that would resonate with the middle-class assumptions underlying that governing legal regime.

There was one sense, however, in which Alexander did impose a hegemonic viewpoint upon her clients. As her practice grew and she gained more experience with the local bar, she began to form friendly relationships with opposing counsel whom she sometimes knew from prior cases—relationships in which the lawyers sometimes formed closer bonds with each other than with their clients. In 1943, for instance, when Bertha Lincoln sought her out to file a claim on the life insurance policy of a deceased relative,<sup>270</sup> Alexander quickly entered into cordial negotiations with the insurance company’s attorney, Joseph Henry. The geniality of the relationship even extended to the foregoing of strategic advantages, such as when, during the negotiations, she discovered that she had missed a deadline for filing a lawsuit. A simple phone call sufficed to extricate her from this difficulty; Henry readily agreed to waive his advantage if a suit became necessary, and the lawyers continued their negotiations until they agreed on a \$301 payment to settle Lincoln’s claim.<sup>271</sup>

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<sup>268</sup> Letter from Sadie T.M. Alexander to Dorothy Rolle, *supra* note 189, at 1.

<sup>269</sup> Letter from Sadie T.M. Alexander to Beatrice Jean (Oct. 17, 1953) (STMA39).

<sup>270</sup> See Letter from Joseph C. Henry to Sadie T.M. Alexander (Aug. 31, 1943) (STMA37).

<sup>271</sup> See Letter from Sadie T.M. Alexander to Joseph C. Henry (Feb. 17, 1944) (STMA37); Letter from Sadie T.M. Alexander to Joseph C. Henry (Apr. 10, 1944) (STMA37); Letter from Sadie T.M. Alexander to Joseph C. Henry (Apr. 24, 1944) (STMA37).

Sometimes, however, the bond between professional colleagues took on a more ominous note. In Eva Grimes's case, for instance, Leighton Miller rebuffed Alexander's demand for the return of Grimes's money and retained local counsel, Clarence Freedman, to defend him.<sup>272</sup> Alexander believed that she had no legal recourse if Miller would not voluntarily return the funds, but Freedman advised his client to settle the matter for \$100.<sup>273</sup> When Miller seemed amenable to this, Freedman called him in for a second consultation. Freedman explained his motives to Alexander; he wanted "to see if [he] could get [Alexander] some counsel fee in addition because [he] was sure [he] would have no trouble getting the \$100."<sup>274</sup> Freedman quickly grew frustrated, however, telling Alexander that his client "has been talking to other 'advisors' and you know what that does sometimes."<sup>275</sup> Miller refused to settle, and Freedman dashed off one last note to Alexander, complaining about his client's rejection of "a good deal," and concluding, "I trust that the next matter we have together will be more satisfactory to both of us."<sup>276</sup> There is no sign that Miller was ever forced to pay.

Alexander probably felt empathy for Freedman's frustrations with his client when she began to have similar problems in administering the Windsor Estate.<sup>277</sup> Her difficulties with her main nemesis within the Windsor family, Jackie, began when Jackie questioned Alexander's honesty and her authority to manage the estate.<sup>278</sup> Alexander attributed the problem to Jackie's consultation with outside advisors, telling her, "Apparently some one has been talking to you and gotten you very much confused."<sup>279</sup> A year later, when further explanations seemed futile, Alexander gave her client another suggestion: "Apparently I cannot explain to you the accounts which I have sent. Therefore, I would suggest that you take them to a lawyer who probably could explain them."<sup>280</sup> Jackie took Alexander up on her suggestion and consulted a succession of lawyers over the next several years, but could not come to a meeting of the minds with any of them. Alexander kept up a difficult correspondence with Windsor and her legal

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(STMA37); Letter from Joseph C. Henry to Sadie T. Mossell Alexander (May 17, 1944) (STMA37).

<sup>272</sup> See Letter from Sadie T.M. Alexander to Hope R. Stevens, *supra* note 257; Letter from Clarence M. Freedman to Sadie T.M. Alexander (Oct. 18, 1943) (STMA35).

<sup>273</sup> See Letter from Clarence M. Freedman to Sadie T.M. Alexander, *supra* note 272.

<sup>274</sup> *Id.*

<sup>275</sup> *Id.*

<sup>276</sup> Letter from Clarence M. Freedman to Sadie T.M. Alexander (Dec. 23, 1943) (STMA35).

<sup>277</sup> See *supra* notes 196-201 and accompanying text.

<sup>278</sup> See Letter from Sadie T.M. Alexander to Joseph L. Bartley, *supra* note 198.

<sup>279</sup> See Letter from Sadie T.M. Alexander to Jackie Windsor (Sept. 3, 1942) (STMA32).

<sup>280</sup> Letter from Sadie T.M. Alexander to Jackie B. Windsor (Apr. 13, 1943) (STMA32).

advisors, at one point eliciting a sympathetic reply from Joseph Bartley, one of Windsor's frustrated attorneys: "I don't mind telling you that you are more patient [with Jackie] than I would have been . . . ." <sup>281</sup>

Sadie Alexander's dealings with Jackie Windsor were indicative of an unstated assumption that she and her opposing attorneys shared—while the attorneys might disagree over many things, the one thing they did agree on was that the definition and interpretation of the dispute at hand lay in the hands of the lawyers. Consultation of non-lawyer advisors immediately raised the hackles of lawyers involved, as it did in both the Windsor matter and the Grimes-Miller dispute.<sup>282</sup> However informed lay opinions of the matter might be, the lawyers thought that such opinions obfuscated the true nature of the dispute. Moreover, the lawyers themselves agreed on the ground rules to be observed in their negotiations with one another, particularly when they were prior acquaintances and members of the same local legal community. Thus, an inadvertent slip-up regarding deadlines during the Lincoln discussions would not prevent the lawyers from continuing their progress toward a settlement that both believed was an equitable resolution of the dispute.<sup>283</sup> Even more interesting were the Grimes-Miller negotiations, in which Grimes's lack of a legal claim did not deter Freedman from recommending that Miller both settle with Grimes and put a little extra in for Alexander's legal fees.<sup>284</sup> Apparently, Freedman was convinced that his client was a scoundrel, and may have simply wanted to resolve the matter fairly and compensate his opponent for time spent on a worthy cause. Undoubtedly, Freedman and Alexander would have found such a resolution "more satisfactory to both of us,"<sup>285</sup> but it would have arguably been unethical.<sup>286</sup> In her dealings with clients, Sadie Alexander believed that both her interpretation of the case and her method of resolution were uniquely

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<sup>281</sup> Letter from Joseph L. Bartley to Sadie T.M. Alexander (Feb. 25, 1944) (STMA32).

<sup>282</sup> See *supra* notes 275, 279 and accompanying text.

<sup>283</sup> See *supra* notes 270–71 and accompanying text.

<sup>284</sup> See *supra* notes 273–74 and accompanying text.

<sup>285</sup> Letter from Clarence M. Freedman to Sadie T.M. Alexander, *supra* note 272.

<sup>286</sup> There is an alternative explanation for Freedman's conduct. It is possible that Alexander was simply wrong and that Grimes actually had some legal recourse that might result in the return of her money. This seems unlikely, however, because both she and Raymond concurred quite strongly in their opinion that Grimes had a "one hundred percent" chance of losing if she tried to institute legal action. See Letter from Sadie T.M. Alexander to Hope R. Stevens, *supra* note 257, at 1. This does not appear to be the type of close case over which reasonable attorneys might have disagreed. One other alternative explanation is that Freedman was simply a very bad lawyer and could not see the obvious strength of his client's position.

lawyers' work, to be approached through the ground rules that lawyers themselves set, which clients were not in a position to question.<sup>287</sup>

Yet, there were ways in which clients fought back, as her difficulties with Jackie Windsor demonstrated. Windsor shrugged off Alexander's repeated attempts to show that she was representing Windsor's interests properly, as well as similar advice from other lawyers. Jackie kept coming back to Alexander for further clarification, writing at one point, "I have not got no body for a lawyer except you and I am depending on you straighening [sic] every thing out with the other heirs and every body else that need be."<sup>288</sup> Alexander's learned explanations of legal matters worked best with clients with whom she shared commonalities of class, region, and culture, and probably raised the suspicions of an unlettered correspondent living in a small town in southern Illinois. Perhaps Jackie simply could not understand the complex details of the financial transactions involved, or was inherently distrustful of others, as Alexander probably believed. In the background, however, the class and regional differences between the two women continued to make communication difficult and commonalities few, and left Jackie quite distrustful of the power of this urbane and distant lawyer to define the terms of her inheritance.

Alexander had similar problems communicating with an uneducated, Southern client in Annie Sterling's case. Once Sterling's bigamous marriage came to light, the two never could agree on the objective in opposing her husband's divorce application, or on whether they should oppose it at all.<sup>289</sup> Sterling could not pay Alexander's fees and tried to discharge her lawyer at one point, writing, "Mrs. Alexander I am unable to empory [sic] you for my Lawer [sic] but I do think [sic] you for your accisent [assistance]."<sup>290</sup> Several letters and meetings later, an irritated Alexander replied, "If this is your desire, I ask you to put it in writing and I will withdraw from the case . . . [because] you have changed your verbal statements too frequently but perhaps you forget what you have said."<sup>291</sup> A few days later, the two had a final meeting. Alexander arranged for a transcription and Sterling brought one of her sons, Alexander Kent, with her, producing one last exchange of miscommunication:

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<sup>287</sup> For analyses of modern-day struggles between lawyers and clients over the definition of sociolegal problems in divorce cases, see generally AUSTIN SARAT & WILLIAM L.F. FELSTINER, *DIVORCE LAWYERS AND THEIR CLIENTS: POWER AND MEANING IN THE LEGAL PROCESS* (1995); and in the poverty law context, Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 *BUFF. L. REV.* 1 (1990).

<sup>288</sup> Letter from Jackie B. Windsor to Sadie T.M. Alexander 1 (Feb. 25, 1944) (STMA32).

<sup>289</sup> See *supra* note 187 and accompanying text.

<sup>290</sup> Letter from Annie Sterling to Alexander, *supra* note 187.

<sup>291</sup> Letter from Sadie T.M. Alexander to Annie Sterling 1 (Sept. 15, 1944) (STMA36).

*Mrs. Sterling:* Can I get any back money from my husband?

...

*Mrs. Sterling:* The money was what I was after.

*Mrs. Alexander:* Do you understand?

*Alexander Kent:* I understand thoroughly. If mother had paid your fee whatever was due she would have gotten but since she did not you had to get your fee out of the money. She got her money and you got your fee out of the money. She got her money and you got your fee.

*Mrs. Alexander:* On two occasions, Mrs. Sterling, I [gave] you Mr. Katz's checks and on them was written what they were for. On the last check was written final payment.

*Mr. Kent:* The thing to do is to drop the whole thing.<sup>292</sup>

Apparently, the source of the difficulty was Sterling's inability to pay Alexander's fees, and her deep-seated suspicion that Alexander's detailed explanations of the law masked a desire to get the unpaid fees out of any settlement in the case. Sterling, like Jackie Windsor, tapped into a suspicion of the legal profession with longstanding roots in American culture—the idea that lawyers engage in “sharpness, pettifoggery, and greedy manipulation of technicality to oppress the weak and ignorant.”<sup>293</sup> Alexander would always have trouble getting such clients, with whom she shared few commonalities other than race, to accept her interpretations of their legal problems.

The Sterling and Windsor negotiations were part of an ongoing learning process for Sadie Alexander. By the 1950s, with more than two decades of experience at the bar, she could count herself among the city's more experienced legal practitioners. Her ability to advise, negotiate, and present the most persuasive image of her clientele was drawing both individual and institutional business to the Alexander firm. Her growing skill at image-manipulation enabled her to reshape her clients into forms that both she and the city's legal elite found appropriate. By her third decade of practice, she was employing a combination of respectable, religious, and legal imagery to reshape her opponents as well. For instance, when the pastor of her home church, Greenland A.M.E., came to her in 1954, agonizing about whether to foreclose on the mortgage that Greenland had extended to New Jerusalem Baptist, Alexander told Reverend Wright not to worry.<sup>294</sup> Putting New Jerusalem's membership out of their church might seem like an un-Christian act, and Alexander counseled her pastor that he had no legal obligation to do so.<sup>295</sup> Yet, she also told

<sup>292</sup> Transcript of Interview by Sadie T.M. Alexander with Annie Sterling and Alexander Kent (Sept. 19, 1944) (STMA36).

<sup>293</sup> HURST, *supra* note 27, at 251.

<sup>294</sup> See Letter from Sadie T.M. Alexander to Rev. Wright (Feb. 26, 1954) (STMA34).

<sup>295</sup> See *id.*

him that he should not communicate this fact to New Jerusalem's pastor, Leon Washington.<sup>296</sup> In her dealings with Reverend Washington, she employed both legal and religious images, presenting Greenland's congregation as a model of Christian patience and charity. Greenland had been forced to reluctantly consider foreclosure only because of its legal obligation to make payments on its own mortgage, wrote Alexander.<sup>297</sup> Paraphrasing the Golden Rule, she argued that at Greenland, "We wish to do unto others as we would have them do unto us. Certainly we do not want to be put out of our new building by the Sheriff."<sup>298</sup> She set out a strict, revised repayment schedule that New Jerusalem would have to meet to avoid foreclosure, the adherence to which was not only a legal duty but also one of Christian morality.<sup>299</sup> The prayers of Greenland's pastor and congregation, as well as those of Raymond and herself, were with New Jerusalem, she assured Washington, concluding that "[t]he decision, therefore, now is yours. May God give you and the members of [New Jerusalem] the strength and will to meet it."<sup>300</sup>

Matters like the Greenland–New Jerusalem negotiation showed Sadie Alexander in her most effective role as a lawyer. Using a skillful combination of religious and legal language, she was able to assuage the fears of her pastor that it would be immoral to threaten New Jerusalem with foreclosure, while using the same language to impress upon Reverend Washington the necessity of establishing a payment schedule and the harsh moral and legal consequences of failing to meet it. The strategy worked because her client, herself, and her opponent all shared a common set of beliefs and assumptions. Alexander's growing power as a negotiator in the 1950s stemmed from her ability to establish similar connections with many members of the city's respectable black middle class—class-based connections that also resonated with the assumptions behind the governing legal regime.

The potency of Alexander's strategy became especially evident in her divorce practice, which would dominate her docket in the latter part of her career. The case of Gloria Dickerson is particularly illustrative in this regard. Dickerson wrote Alexander in 1956, complaining about her unfaithful husband who was also the pastor of her

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<sup>296</sup> *Id.*

<sup>297</sup> See Letter from Sadie T.M. Alexander to Rev. Leon Washington (Feb. 26, 1954) (STMA34).

<sup>298</sup> *Id.* at 2.

<sup>299</sup> Letter from Sadie T.M. Alexander to Rev. Leon Washington (Mar. 10, 1954) (STMA34); Letter from Sadie T.M. Alexander to Rev. Leon Washington (Apr. 2, 1954) (STMA34).

<sup>300</sup> See Letter from Sadie T.M. Alexander to Rev. Leon Washington, *supra* note 297.

church.<sup>301</sup> Dickerson, a professional nurse, had previously employed Raymond in a personal injury case,<sup>302</sup> but now turned to Sadie for advice on a more delicate matter, lamenting, "I have nothing. I wasted my money helping him. I want him to pay for the divorce an [sic] support me or give something toward my support. Can that be done? Please advise me."<sup>303</sup> Alexander offered her both the comfort and the direction she sought, writing, "[W]hy in the world did you suffer such cruelty and indignities, so long and why did you cover them up?"<sup>304</sup> If Dickerson could secure witnesses, Alexander continued, she would have a strong case for a divorce *a mensa et thoro*, which would allow her to live apart from her husband but also receive support.<sup>305</sup> However, since most witnesses would probably be church members who would be inclined to support the pastor, Alexander counseled Dickerson that she might have to remain with her husband a while longer until she could secure the requisite evidence, regardless of her husband's cruelty and the gossip of church members: "You are too intelligent to be worried about what the people say. The more they say, the stronger is your case . . . ."<sup>306</sup> Alexander then added some reassurance:

I have had a number of cases such as yours, also involving husbands, who are ministers. I know what you women suffer, in complete silence. . . . But, despite all of this, your case can be won. I speak from experience. It takes a lot of work and patience, but none of these men [are] big and all powerful, as they would make you believe.<sup>307</sup>

Sadie Alexander's calm, friendly advice to Dickerson and her assurance of prevailing in the case were indicative of the direction of her practice in the 1950s. Women with difficulties similar to Dickerson's began to come to the firm, drawn by Alexander's skill at manipulating her social, religious, and legal influence on their behalf. For instance, three years earlier, Lillie Manning had come to the firm complaining that her husband, Charles, had ordered her to "pack up and get out" of their home.<sup>308</sup> Alexander composed an angry letter to Charles Manning, first chastising him for refusing his wife's invitation

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<sup>301</sup> See Letter from Gloria M. Dickerson to Sadie Alexander 1-2 (Mar. 6, 1956) (STMA39).

<sup>302</sup> *Id.* at 1.

<sup>303</sup> *Id.* at 3.

<sup>304</sup> Letter from Sadie T.M. Alexander to Gloria M. Dickerson 1 (Mar. 7, 1956) (STMA39).

<sup>305</sup> *Id.*

<sup>306</sup> *Id.*

<sup>307</sup> *Id.* at 1-2.

<sup>308</sup> Letter from Sadie T.M. Alexander to Charles Manning 1 (Sept. 3, 1953) (STMA39).

to accompany her to the firm for a conciliatory meeting.<sup>309</sup> Having failed to conciliate, Charles had brought himself within the stern grasp of the law, Alexander wrote.<sup>310</sup> Lillie had a legal right to stay in the home, and “she is not going to leave. However, no court compels a woman to live in misery. If you make [Mrs. Manning’s] life so miserable that she finds it impossible to live with you, I shall then take her to the court.”<sup>311</sup> The fault was entirely his, wrote Alexander, for Lillie would not even go near a court “if you treated her in the manner that a husband should treat his wife.”<sup>312</sup> A blank space then intervened in the composition, and the letter began again in the middle of the next page: “I have just been told . . . that you are the [Charles Manning], who is a Deacon at [Second Baptist Church]. I know you. I am shocked to hear that a man of your position, and a Deacon in the church, would order his wife . . . out of [their home].”<sup>313</sup> Alexander continued with renewed conviction: “I feel confident, now, that I understand and know, that you are a man who is a declared [C]hristian, and that you do not want this matter to go any further.”<sup>314</sup> She concluded, “If you would like to come see me, I will be glad to talk with you about it in a [C]hristian way. I think, that as [C]hristians, we all should be able to settle our differences.”<sup>315</sup>

The confrontation with Deacon Manning exemplified the negotiation strategy that Sadie Alexander had developed by the 1950s. Using alternating appeals to marital duty and Christian morality, along with a well-timed pause for dramatic effect, she was able to powerfully communicate to Manning that any other course of action but the one she recommended would be unmanly, immoral, and shameful in the eyes of his community, which included his wife’s lawyer. Moreover, she threatened, lurking behind the negotiations was always the ultimate sanction of legal intervention.

In the middle-class divorce cases that came to Alexander in the 1950s, shared bonds of race, religion, community, and class provided both a connection to her clients and a means of manipulating their recalcitrant spouses. Even in the 1950s, as the city’s black middle class began to scatter to the near suburbs, it was still likely that she would have some social or religious connection to relevant parties in such cases. Cases like Manning’s and Dickerson’s displayed Sadie Alexander’s talents as an increasingly confident and aggressive advocate on behalf of her clients. Respectability had always been the rubric

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309 *See id.*

310 *See id.*

311 *Id.*

312 *Id.*

313 *Id.* at 2.

314 *Id.*

315 *Id.*



through which she interpreted her social and legal world, and now she was hitting her stride among clients, judges, and opponents who often shared her cultural assumptions.

This trend would accelerate after 1959, when Raymond Alexander secured an appointment as a judge in the Court of Common Pleas and the Alexander firm dissolved.<sup>316</sup> The men in the firm found salaried positions in local and federal governmental posts, but Sadie Alexander decided to strike out on her own. At a time when most women lawyers in Philadelphia still performed subordinate tasks in the offices of men, Alexander opened her own office and received a steady stream of clients. Sharing office space with three other lawyers across the street from City Hall, she wrote:

Since the severance from my association with the firm of Raymond Pace Alexander, Esq., I have experienced a great change in the type of my practice. . . . Without any effort on my part, I found men and women involved in domestic problems consulting me. I attribute this volume of family law practice to the confidence a client has in a woman of mature years [who has been married for more than four decades and has raised a family herself].<sup>317</sup>

Alexander marketed herself as an experienced woman practitioner who could empathize with the family problems of a clientele that, as she described it, was composed of teachers, government clerks, professionals and their spouses, business men and women, and industrial workers.<sup>318</sup> By 1970, her reputation in this area was so well established that a quarter of her clientele was white, and all of her work was by referral only.<sup>319</sup> Several large firms in the city referred domestic relations cases to her.<sup>320</sup>

The successes of the latter part of her career also caused Sadie Alexander to rethink her professional relationship with her husband. Even before the Raymond Pace Alexander law firm dissolved, she had begun to view herself as an equal partner with her husband in the endeavor. Raymond had been elected to the City Council in 1951, and thereafter divided his time between the firm and the council, while Sadie shouldered additional responsibilities for managing the office.<sup>321</sup> In 1956, when Raymond unilaterally announced that he was planning to merge the firm with those of two other attorneys, Sadie struck back, penning a harsh letter to her husband. Using her usual

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<sup>316</sup> Mack, *supra* note 10.

<sup>317</sup> See Reminiscences, *supra* note 106, at 4–5.

<sup>318</sup> Personal Data Questionnaire, *supra* note 2, at 2–5.

<sup>319</sup> See Sadie T.M. Alexander, National Bar Foundation Questionnaire 3–7 (1970) (STMA1).

<sup>320</sup> See Personal Data Questionnaire, *supra* note 2, at 2.

<sup>321</sup> See WHO'S WHO IN THE NATIONAL BAR ASSOCIATION, INC.: A BIOGRAPHICAL DICTIONARY AND DIRECTORY OF NEGRO LAWYERS 25 (1963).

1950s negotiation strategy, she registered two objections to her husband's proposed actions: "1) what you have done is morally wrong. . . . 2) Your position is legally indefensible."<sup>322</sup> Arguing that legally, she was his equal partner in the firm, she continued, "You cannot decide that you are going to form a partnership against my will, and give a share of the business, I presume the equipment, to two men, whom I oppose."<sup>323</sup> She added: "[I]f you died tomorrow I would have nothing but your 1/3 . . . interest, when I have a 1/2 interest now, without a real fight, if that becomes necessary. I will take this matter to court before I let you do this to me."<sup>324</sup>

In addition, argued Sadie, the proposed new partnership would reduce her to a mere adjunct to the firm's activities. This was not the way that a husband should treat his wife and partner of thirty years:

Do you think that I am going to walk in [the office], after all these years and have nothing to do with what is going on; that I am going to have to conduct my business in one room, not being able to ask any girl [secretary] . . . to do a thing for me; not to know anything that is going on; not to have a case, unless the client asks for me . . . .<sup>325</sup>

As Sadie knew quite well from experience, she would have the moral and legal upper hand if she and her husband wound up in court. "I know that no Judge in Philadelphia would permit you to put me in the street, after nearly 30 years of day and night, sticking by your side. . . ."<sup>326</sup> She wrote, "You are too good a lawyer to believe that because you want to make another association that you can walk off with all the assets and leave your partner of almost 30 years, stripped to the bare."<sup>327</sup> As usual, Sadie Alexander was quite effective in bringing moral and legal suasion to bear on a negotiating partner whom she knew quite well, in this case intimately. The proposed merger was never completed.

Sadie Alexander's response to her husband's proposed move may have surprised him; the role within the firm that she was rejecting was precisely the one that she had accepted without protest during the early years of her practice. She was the same person who had accepted a job in a firm that she knew was her husband's and not her own, who had accepted the rote work that was steered toward her, and who had been content to toil away in the obscurity while the men took on the excitement of jury trials. In part, her new attitude must have

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<sup>322</sup> Letter from Sadie T.M. Alexander to Raymond Pace Alexander (Feb. 27, 1956) (RPA6).

<sup>323</sup> *Id.*

<sup>324</sup> *Id.*

<sup>325</sup> *Id.*

<sup>326</sup> *Id.*

<sup>327</sup> *Id.*

had its roots in the maturing of her practice. Her clientele had changed, and she had changed with it. Alexander had fashioned not only a new lawyering role, but had also acquired the aggressiveness to go with it. Moreover, her home life was also in flux. By the 1950s, her daughters were preparing to enter college, lessening the domestic obligations that had caused her to consider withdrawing from practice two decades earlier,<sup>328</sup> and allowing her to take on a more active role in her professional life. In addition, a third factor affected the Alexanders' professional relationship. By the 1950s, Raymond Alexander had become one of the city's most effective—and most controversial—jury trial lawyers,<sup>329</sup> but his wife had become even more famous. At the same time that she was developing into an aggressive and experienced private practitioner, Sadie Alexander involved herself in a series of public service activities that made her reputation on a national scale.

It started in December 1946, when she received an unexpected call from the White House. Civil rights organizations had lobbied President Truman to take action in the wake of a series of anti-black violent incidents in the South, and the President decided to convene a blue-ribbon committee to examine the state of race relations in the country and make recommendations for governmental action.<sup>330</sup> Maceo Hubbard, a former Alexander firm attorney who was studying the nation's civil rights laws for the Justice Department, had lobbied for Raymond's appointment to the committee.<sup>331</sup> Sadie, however, had her own politically connected boosters. She had remained active in the liberal wing of the Republican party, had served as the national secretary of the Urban League, and several years earlier, had been the subject of a prominent write-up in *The Crisis*, the NAACP's official organ.<sup>332</sup> Apparently, Sadie Alexander's connections secured the appointment for her,<sup>333</sup> and she joined Channing Tobias, a social

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<sup>328</sup> Cf. *Interview with Sadie Alexander*, *supra* note 63 (discussing Sadie Alexander's daughters as young children and as college graduates).

<sup>329</sup> See SMITH, *supra* note 11, at 158.

<sup>330</sup> RICHARD KLUGER, *SIMPLE JUSTICE: THE HISTORY OF BROWN V. BOARD OF EDUCATION AND BLACK AMERICA'S STRUGGLE FOR EQUALITY* 250 (Vintage Books 1977) (1976).

<sup>331</sup> See Letter from Maceo Hubbard to Sadie T.M. Alexander (Dec. 6, 1946) (STMA39, Scrapbook 1946-47).

<sup>332</sup> See *Mrs. Alexander Named to Civil Rights Group*, PITTSBURGH COURIER, Dec. 14, 1946 (STMA39, Scrapbook 1946-47); *Truman Appoints Two to Committee for New Bias Laws*, PHILA. TRIBUNE, n.d. (STMA39, Scrapbook 1946-47); *Truman Creates Civil Rights Board*, N.Y. TIMES, Dec. 6, 1946 (STMA39, Scrapbook 1946-47); Letter from George W. Maxey to Mrs. Raymond Pace Alexander (Nov. 2, 1942) (STMA6).

<sup>333</sup> See Letter from Maceo Hubbard to Sadie T.M. Alexander, *supra* note 331; Letter from Loren Miller to Sadie T.M. Alexander (Dec. 20, 1946) (STMA39, Scrapbook 1946-47); Letter from Sadie T.M. Alexander to Val J. Washington (Dec. 20, 1946) (STMA39, Scrapbook 1946-47).

reformer and an old acquaintance, as one of only two black members of the committee.<sup>334</sup>

The appointment to the President's Committee on Civil Rights raised her profile. As the Committee took testimony on the state of race relations in the country, Alexander lobbied for her colleagues at the black bar to testify before it on the deficiencies in the nation's civil rights laws. The Committee's 178-page report, entitled *To Secure These Rights*, recommended federal governmental action in opposition to racial segregation, lynching, and impediments to voting,<sup>335</sup> foreshadowing much of the next twenty years of federal action in the civil rights arena.<sup>336</sup> Even before the report was issued, speaking invitations from all over the country began to pour into Alexander's office. In February of 1947, a group of prominent local citizens organized a testimonial banquet in her honor,<sup>337</sup> and that summer, *Ebony* magazine ran a full-page photograph of her.<sup>338</sup> At about the same time, Alexander began to identify closely with civil rights and civil liberties organizations in the city.<sup>339</sup> In 1948, she joined with a number of civil liberties activists to found the Philadelphia chapter of the American Civil Liberties Union, and she was soon elected to the ACLU's national board.<sup>340</sup> In 1952, when liberal Democrats gained control of the city government, she was selected as a commissioner of the newly-formed Philadelphia Human Relations Commission, and she would eventually become the Commission's chair.<sup>341</sup>

By the late 1940s, the Alexanders' civil rights activities had divided in a manner that mirrored the split in their private practice. Raymond was the city's foremost civil rights litigator, having brought all the major civil rights cases in the Philadelphia area from the mid-1920s until the early 1950s.<sup>342</sup> Sadie did not handle the firm's civil rights litigation, but instead became virtually synonymous with the various organizations of respectable, liberal citizens who tried to influence government policy in this area—the Urban League, the Truman Committee, the ACLU, and the Human Relations Commission.<sup>343</sup> In part, this divide in the Alexanders' civil rights activities had its source

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<sup>334</sup> See *Truman Appoints Two to Committee for New Bias Laws*, *supra* note 332.

<sup>335</sup> *TO SECURE THESE RIGHTS*, *supra* note 6.

<sup>336</sup> See *id.*

<sup>337</sup> See Letter from Herbert T. Miller to Sadie T.M. Alexander (Feb. 6, 1947) (STMA7); Letter from L.H. Foster to Sadie T.M. Alexander (Feb. 8, 1947) (STMA7).

<sup>338</sup> See Letter from S. Tanner Stafford to Mrs. Raymond Pace Alexander (July 16, 1947) (STMA7).

<sup>339</sup> See Letter from Herbert T. Miller to Sadie T.M. Alexander, *supra* note 337; Curriculum Vitae of Sadie T.M. Alexander, *supra* note 1, at 2–4.

<sup>340</sup> Mack, *supra* note 10.

<sup>341</sup> See Curriculum Vitae of Sadie T.M. Alexander, *supra* note 1, at 3.

<sup>342</sup> See SMITH, *supra* note 11, at 165.

<sup>343</sup> See Curriculum Vitae of Sadie T.M. Alexander, *supra* note 1, at 2–3.

in the differing skills that they developed as lawyers. Raymond was the most at home in court, examining witnesses and performing before judges and juries. Sadie, by contrast, built her practice around negotiation, trying to convince similarly minded persons of the validity of her positions.

There was also a deeper source for these gender divisions in their civil rights activism. Ruth Whitehead Whaley, one of Sadie Alexander's contemporaries at the black women's bar, hinted at the reasons when she noted in a 1949 essay that African American communities generally accept a black woman lawyer's pursuit of an unusual career for a woman, but they also

scrutinize[ ] closely whether she is making her normal contribution to it as a woman. In addition, she receives more calls for community service than her male colleagues because her number is few, and where courtesy or need seems to call for the name and presence of a woman and also a representative of the legal profession, this need is oftentimes combined by naming the woman who is a lawyer.<sup>344</sup>

Whaley spoke of the larger cultural framework within which Alexander and other educated black women of her generation operated. The ethos of respectability that Gertrude Mossell, Ida B. Wells, and others had articulated formed a backdrop for their professional activities, and pushed them into community service and social reform activities regardless of their other professional duties. Sadie Alexander, like other black women lawyers, inhabited a world where she could not simply limit herself to private practice and think of herself as a responsible member of her community. Moreover, her unique status as a black woman lawyer produced many calls for her participation in the social movements of her day. Initially, the Urban League served this purpose, but through both fortuity and perseverance, she soon became involved in a multitude of other organizations.<sup>345</sup> While Raymond was content to let his courtroom advocacy speak for him in the civil rights arena, Sadie, by both choice and necessity, took another route that led to even greater prominence.

Philadelphia today is replete with markers of Sadie Tanner Mossell Alexander's life and career. The house where she spent part of her childhood has been dedicated as a state historical landmark, albeit because her uncle, the painter Henry O. Tanner, also lived there.<sup>346</sup> The University of Pennsylvania's black law students convene

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<sup>344</sup> Whaley, *supra* note 82, at 50.

<sup>345</sup> See Curriculum Vitae of Sadie T.M. Alexander, *supra* note 1, at 2-4.

<sup>346</sup> See Bob Fensterer, *A Block Tries to Pull Itself Up by Its New Landmark*, PHILA. INQUIRER, Mar. 25, 1977, at 1-B (STMA1).

an annual conference on race and the law named after her.<sup>347</sup> In the Fall of 1999, the city's African American Museum held a half-day celebration of her life.<sup>348</sup> It is difficult to find similar remembrances of the life and career of Raymond Pace Alexander. The art deco law firm building where much of the city's major civil rights litigation was planned still stands at 19th and Chestnut Streets where Raymond Alexander had it constructed in the mid-1930s, with no designation of its significance. Even the home where the Alexanders spent the latter part of their careers, while designated as a historical landmark, bears a plaque with only the name "Sadie T.M. Alexander" inscribed on it. Certainly, part of the difference in the city's remembrance of the Alexanders has its source in Sadie's well-deserved significance as the first black woman lawyer in the state. Raymond's status as a prominent black lawyer is simply not quite as unique. However, at least part of this difference must also be attributed to the divergent means by which they made their mark in the world—Raymond through civil rights litigation and Sadie through negotiation and public service. Among the many ironies of Sadie Alexander's professional life is that she was able to make such a lasting impression on her city and nation precisely because of the skills she had acquired by accepting an initially subordinate role in her profession.

#### IV

#### NEW HORIZONS AND LEGACIES: NEW YORK, CHICAGO, AND PAULI MURRAY

Sadie Alexander was not alone in this regard. In fact, many of the black women with whom she corresponded in the late 1930s were engaged in parallel professional odysseys. Jane Bolin, for instance, Yale Law School's first black woman graduate, wrote Alexander that following her graduation in 1931 she had "clerked the then required six months in my father's law offices in Poughkeepsie, New York," and then "engaged in general private practice thereafter in New York City as a partner with my husband in the firm of Mizelle & Bolin until 1937."<sup>349</sup> Like Alexander, Bolin's choice of profession, and her entry into it, were facilitated by influential male attorneys—her father, brother, and husband were all New York lawyers.<sup>350</sup> She also made her initial mark in husband-and-wife practice and in the lower-level urban courts that had sprung up in response to the social problems of

<sup>347</sup> See <http://www.law.upenn.edu/groups/blsa/index2.html> (discussing the Annual Sadie T.M. Alexander Conference) (last visited May 8, 2002).

<sup>348</sup> See Program, The African American Museum in Philadelphia Presents Women and the Law: Examining the Legacy of Sadie T.M. Alexander (Sept. 11, 1999) (on file with author).

<sup>349</sup> Letter from Jane M. Bolin to Sadie T. Mosell [sic] Alexander, *supra* note 14.

<sup>350</sup> SMITH, *supra* note 11, at 405–06.

women and children in urbanizing America.<sup>351</sup> In 1937, Bolin secured an appointment as an Assistant Corporation Counsel for New York City, where she represented the city in the Domestic Relations Court, established in 1933.<sup>352</sup> Bolin did not take her husband's last name, and used the corporation counsel post to gain trial experience in both the Domestic Relations Court and the Supreme Court, the city's general jurisdiction court.<sup>353</sup> In July 1939, two months after she wrote Alexander, her experience paid off when Mayor Fiorello LaGuardia appointed her to a judgeship in the Domestic Relations Court, making her the nation's first black woman member of the judiciary.<sup>354</sup> Bolin's accomplishment made her name familiar in black communities across the nation by the time she was thirty-one years old.<sup>355</sup>

Sadie Alexander soon recognized distinct parallels between her own career and that of another New York correspondent, Eunice Hunton Carter.<sup>356</sup> Carter wrote Alexander from her post as an assistant to Manhattan District Attorney Thomas Dewey, a position she had obtained because of her key role in developing the theory under which New York crime boss Lucky Luciano was successfully prosecuted.<sup>357</sup> Like Alexander, Carter got her start in somewhat typical women's practice but transformed her work into something entirely different. Following her graduation from Fordham Law School in 1932, Carter, who was already a wife and mother, began representing women charged with prostitution in the New York Women's Day Court.<sup>358</sup> She then obtained a position in District Attorney William Dodge's office, prosecuting alleged prostitutes in the Magistrate's Court.<sup>359</sup> Carter soon became convinced that her dearth of convictions in her new post was due to an organized crime ring that controlled the trade and influenced Magistrate's Court proceedings. When the district attorney rejected her theory, she took it to anti-corruption special prosecutor Dewey, who hired her onto his staff.<sup>360</sup> Dewey's approach to organized crime had previously focused on loan-sharking, but he warmed to her view and authorized Carter and other assistants to use informants, wiretaps, and a mass arrest of suspected

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<sup>351</sup> For more on origins of these courts, see HURST, *supra* note 27, at 154–58.

<sup>352</sup> See Letter from Jane M. Bolin to Sadie T. Mosell [sic] Alexander, *supra* note 14.

<sup>353</sup> See SMITH, *supra* note 11, at 406; Letter from Jane M. Bolin to Sadie T. Mosell [sic] Alexander, *supra* note 14.

<sup>354</sup> SMITH, *supra* note 11, at 406.

<sup>355</sup> See *id.*

<sup>356</sup> See Letter from Sadie T.M. Alexander to Eunice H. Carter (Apr. 28, 1939) (STMA13).

<sup>357</sup> See MORELLO, *supra* note 35, at 150–53; SMITH, *supra* note 11, at 406.

<sup>358</sup> SMITH, *supra* note 11, at 406.

<sup>359</sup> MORELLO, *supra* note 35, at 150–51.

<sup>360</sup> See *id.*

prostitutes, which eventually resulted in Luciano's prosecution and conviction.<sup>361</sup> Carter's role as a prime mover of these events led Dewey, the newly installed district attorney, to appoint Carter as the assistant district attorney in charge of the Court of Special Sessions, where she supervised more than fourteen thousand cases per year.<sup>362</sup>

Alexander's Chicago correspondents described a group of black women lawyers there who had made a cottage industry of entering the profession through salaried positions in lower-level courts and part-time private practice. Chicago's active political life made government work a regular entry point to the legal profession for ambitious young lawyers with few material resources. For instance, black women lawyers such as Edith S. Clayton, Sophia Boaz Pitts, Georgia Jones Ellis, and Edith Spurlock Sampson all held positions as staff members in Chicago's juvenile or domestic relations courts during the early parts of their legal careers.<sup>363</sup> Ellis served as deputy recorder for Cook County while attending John Marshall Law School, then moved on to a post as deputy clerk in the Domestic Relations Division of the Municipal Court.<sup>364</sup> By the early 1940s, she had made the transition from part-time practice to an association with one of the city's leading black law firms, the Richard E. Westbrooks firm.<sup>365</sup>

Edith Spurlock Sampson was a social worker before joining Ellis in the John Marshall Law School class of 1925, returning for her Master of Laws at Loyola Law School in 1927.<sup>366</sup> Sampson quickly moved into a series of positions in the juvenile court, serving first as a probation officer and then as referee—a quasi-judicial post where she heard preliminary evidence in pending cases.<sup>367</sup> In the 1930s, she opened her own office and practiced there part-time, specializing in divorce work. By 1943, she was able to resign her juvenile court post for full-time private practice.<sup>368</sup> She returned to the government as a salaried trial lawyer in 1947, and secured a position as an Assistant

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<sup>361</sup> See *id.* at 151–53; SMITH, *supra* note 11, at 406.

<sup>362</sup> See MORELLO, *supra* note 35, at 153; SMITH, *supra* note 11, at 406; Letter from Eunice H. Carter to Sadie T. Mossell Alexander, *supra* note 16.

<sup>363</sup> For concise summaries of the professional achievements of Chicago's black women lawyers at the time, see SMITH, *supra* note 11, at 384–86; Sampson, *supra* note 11, at 21–23; and Untitled List of Chicago Black Women Lawyers (n.d.) (STMA13).

<sup>364</sup> For a discussion of Ellis's career path, see SMITH, *supra* note 11, at 385; Sampson, *supra* note 11, at 22; and Untitled List of Chicago Black Women Lawyers, *supra* note 363.

<sup>365</sup> See SMITH, *supra* note 11, at 385.

<sup>366</sup> See *id.* at 386; Sampson, *supra* note 11, at 22.

<sup>367</sup> See David Hepburn, *Edith Sampson Speaks for America*, OUR WORLD, Feb. 1951, at 25.

<sup>368</sup> See Announcement for North Park College's Public Lectures on Swedish Life and Culture (1952) (Edith Spurlock Sampson Papers, Box 5, on file with Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University). Hereinafter, locations in the Edith Spurlock Sampson Papers will be designated as ESS, followed by a number that indicates the box in which the documents are stored at the Schlesinger Library, e.g., (ESS5).



State's Attorney.<sup>369</sup> Two years later, her appointment book indicated that she was busy with divorce, probate, and juvenile court practice as well as some criminal work.<sup>370</sup> In the mid-1950s, Sampson moved on to a post in the Chicago Corporation Counsel's Office, and she rounded out her career by winning elections for Municipal Court Judge, and later for Circuit Judge, in the 1960s.<sup>371</sup> Sampson's early career trajectory was fairly typical for black women lawyers of her generation in Chicago. A law degree was a ticket to high-level staff positions in the domestic relations and juvenile courts. These staff positions brought increased prestige and professional contacts that allowed Sampson and her peers to make the transition to private practice or government trial lawyer positions, which opened up further possibilities for professional advancement.

By the early 1940s, there were already signs that the next generation of black women lawyers would not be so deferential about their mode of entry to the profession. Sadie Alexander only slightly exag-

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<sup>369</sup> See *id.*

<sup>370</sup> See Appointment Book of Edith Spurlock Sampson (1949) (ESS1).

<sup>371</sup> See *Edith Sampson Appointed to State Law Job*, CHI. DEFENDER, May 10, 1947, at 1 (ESS7); *First Negro Woman to Win State Post* (1947) (ESS7); Dorothy Hartung, *Woman Attorney Blazes Second Trail* (ESS7); *Mrs. Sampson Gets \$9,000 Legal Job* (ESS7); see also Kathleen E. Gordon, Edith S. Sampson: First African American Delegate to the United Nations, First Black Woman Elected Judge in the U.S. (Women's Legal History Biography Project, Stanford Law School, 1997) (detailing Edith Sampson's career trajectory), at <http://www.stanford.edu/group/WLHP/papers/edith.html> (May 13, 1997). Sampson shared Sadie Alexander's respectable ethos, having been born at the turn of the century into the middle-class Spurlock family of Pittsburgh, and participating along with Alexander in middle-class black women's organizations such as the National Council of Negro Women (NCNW). In the 1950s, however, Sampson's penchant for reform took her in a somewhat different direction than Alexander. Edith Sampson embarked on a controversial career in public service when she participated, on behalf of the NCNW, in the 1949 international tour of the Town Meeting of the Air. See *Freedom's Bell Rings 'Round the World: A Picture Story of America's Town Meeting of the Air* (July–Sept. 1949) (ESS9). The town meeting, a radio forum addressing current political issues, boosted her to international prominence during a stop in New Delhi, where she gave a speech aggressively defending American democracy against the political systems of Communist states. See Hepburn, *supra* note 367, at 28. Sampson's forceful defenses of American freedom abroad (and, many charged, her apologies for African Americans' continued lack of freedom at home) earned her a call from Truman's White House to serve as a delegate to the United Nations in the early 1950s, as well as government-sponsored overseas trips to speak out for Americanism. See *id.* The NAACP's Walter White had accompanied her on the New Delhi trip, but by 1952 he was criticizing Sampson's positions in the pages of the *Chicago Defender*. See Letter from James R. Harris to Edith Sampson (Feb. 5, 1952) (ESS3). In the early 1950s, Sampson found herself on the right wing of the civil rights movement, making common cause with well-known black conservative columnist George Schuyler and attacking those who criticized American race relations abroad, such as the expatriate entertainer and civil rights activist Josephine Baker. See *Edith Sampson Attacks Jo Baker Stand*, JET, Jan. 10, 1952 (ESS2); Letter from Edith Spurlock Sampson to George S. Schuyler (May 25, 1952) (ESS3). Alexander, by contrast, moved from the left liberal wing of the movement to the center in the late 1940s, forcefully critiquing American race relations and trying to find a middle ground between civil rights/civil liberties activism and anti-Communism.

gerated when she wrote, in 1941, that "Negro women lawyers, along with all women practitioners of the law in the United States, have passed through the state of being a source of curiosity, amusement and doubt to one of well-founded respect. Indeed, their presence today is regarded as a normal, natural, daily occurrence."<sup>372</sup> Black women lawyers such as Alexander, Eunice Carter, and Edith Sampson were in fact moving out of their initial low-status positions in the profession and were earning the respect of their male colleagues. The exodus of men from the civilian labor force during World War II opened up short-lived opportunities for more women to attend law school and to secure employment in private practice as well as with the government. Pauli Murray, for instance, one of Howard Law School's top graduates in the 1944 class, obtained her Master of Laws from Berkeley, published a lead article in the *California Law Review*, and secured a position in the California Attorney General's Office before losing it to returning servicemen.<sup>373</sup> However, it was Murray's unsuccessful attempt to attend Harvard Law School following her graduation from Howard that revealed her differences with her foremothers in the profession.<sup>374</sup>

Pauli Murray had already established a reputation for gender-based activism when she protested against the exclusionary policies of men-only law student clubs while studying at Howard Law School,<sup>375</sup> and she found even more to complain about when she sought to follow in the tradition of Howard's top graduates, who usually went on to graduate study at Harvard Law.<sup>376</sup> Murray would not follow in their path because Harvard would not admit women for another six years.<sup>377</sup> When a Harvard professor suggested that she take the matter up with the University's Board of Overseers, she penned a partly satirical letter to the Board.<sup>378</sup> Murray's letter was indicative of her distance from the attitudes of Sadie Alexander's generation about her place in the profession. Murray began her letter with an observation

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<sup>372</sup> Alexander, *supra* note 11, at 63.

<sup>373</sup> See PAULI MURRAY, *SONG IN A WEARY THROAT: AN AMERICAN PILGRIMAGE* 246-69 (1987); Transcript of Interview by Robert Martin with Pauli Murray 71-72 (Aug. 15 & 17, 1968) (Pauli Murray Papers, Box 1, on file with Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University). Hereinafter, locations in the Pauli Murray Papers will be designated as PM, followed by a number that indicates the box in which the documents are stored at Schlesinger Library, e.g., (PM1). See generally EPSTEIN, *supra* note 99, at 92-94 (discussing the increase in professional opportunities for women during World War II).

<sup>374</sup> See Pauli Murray, *Pauli Murray's Appeal: For Admission to Harvard Law School* (1944), in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS*, *supra* note 11, at 79, 79-83.

<sup>375</sup> MURRAY, *supra* note 373, at 183-84.

<sup>376</sup> *Id.* at 238.

<sup>377</sup> See *id.* at 239.

<sup>378</sup> See Murray, *supra* note 374.

shared by many early women lawyers—that success in the legal profession is defined in masculine terms, but noted, jokingly, that “[v]ery recent medical examination reveals me to be a functionally normal woman with perhaps a ‘male slant’ on things, which may account for my insistence upon getting into Harvard.”<sup>379</sup> Murray refused to countenance, even temporarily, the idea that there should be separate or subordinate opportunities within the bar for women lawyers. Her letter took Harvard to task for being behind the times on the issue, arguing that racially separate institutions were under attack, and that no less could be expected with respect to women’s equality from an institution with Harvard’s liberal credentials.<sup>380</sup> Moreover, she argued, women lawyers were on the move during the war. Women were practicing before the Supreme Court, in addition to becoming judges and respected lawyers; their improving place in the profession made any continued gender differentiation within the bar untenable.<sup>381</sup>

These were sentiments that she would carry into her practice. After Murray’s stint in California, she moved to New York, was admitted to the state bar, and affiliated herself with a male practitioner on the condition that they share fees and that both their names appear on the firm’s door.<sup>382</sup> When, after nine months, he owed her fees and her name was not on the door, she severed their relationship and struck up a different association.<sup>383</sup> Murray had recently befriended Ruth Whitehead Whaley, who was winding up her practice after more than two decades at the New York bar. Naturally, Whaley began referring her caseload to Murray, effecting both a practical and a symbolic transition between the old and new generations of black women lawyers.<sup>384</sup>

Despite Pauli Murray’s assertive stance regarding her place in the profession, she could eke out only a meager living as a solo practitioner in the late 1940s and early 1950s. Her tax returns indicate that

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<sup>379</sup> *Id.* at 79.

<sup>380</sup> *See id.* at 81–83. Murray credited her involvement in anti-racist civil rights work with providing her with the template for criticizing the profession’s gender biases. *See* MURRAY, *supra* note 373, at 182–84, 238–45. She would continue to analogize race and gender oppression. *See, e.g.,* Murray, *supra* note 82, at 33–34.

<sup>381</sup> *See* Murray, *supra* note 374, at 82. The tradition of Howard’s top graduates attending Harvard was probably inspired by Howard professors Charles Houston and William Hastie, who had both received their law degrees from Harvard and had returned for their Doctor of Laws, and by Leon Ransom, who received his Doctor of Laws from Harvard after joining the Howard faculty. MURRAY, *supra* note 373, at 238. Hastie, who was dean of Howard Law School during Murray’s law school years, encouraged her to pursue graduate study in law as a prelude to a possible return to Howard Law School as a professor. *See id.*

<sup>382</sup> *See* MURRAY, *supra* note 373, at 273.

<sup>383</sup> *Id.* at 277.

<sup>384</sup> *See id.*

she garnered profits of only about \$1,000 to \$2,000 per year,<sup>385</sup> which was less income than Sadie Alexander had earned two decades before at the height of the Depression.<sup>386</sup> By the early 1950s, she was seeking alternatives to solo practice, even applying to the Alexander firm for a position in their office, although to no avail.<sup>387</sup> Her struggles are made even starker by the fact that lawyers' incomes were rising rapidly in this period, after a decline during the early years of the Depression.<sup>388</sup> Pauli Murray's new attitude did not necessarily generate new fees to go with it; women lawyers still labored under prejudices that made clients hard to come by and salaried jobs few and far between. Murray herself knew of many black women lawyers who still worked as clerks in the offices of male lawyers, and black women law graduates in the 1950s who complained of being asked, during job interviews, if they could type.<sup>389</sup> As Sadie Alexander had noted in her 1941 essay, she and her generation of black and white women lawyers had established that women could practice and be taken seriously in court and in the office.<sup>390</sup> They had accepted subordinate roles within the profession and fashioned them into something entirely new. However, serious impediments to full equality within the profession remained, and it would be up to Pauli Murray's generation and its successors to continue the work for that equality.

While Pauli Murray would go on to become a co-founder of the National Organization for Women,<sup>391</sup> Sadie Alexander maintained an ambiguous stance toward Murray's definition of professional equality. The split between the two was evident as early as the 1940s. Even as Murray was busy rejecting gender-defined roles in the profession, and as Alexander herself was pushing the boundaries of women's practice, Alexander penned a seemingly incongruous note to a young woman interested in studying law, telling her "your only hope [to succeed at practice] is to be associated with a man."<sup>392</sup> At about the same time, when Jane Cleo Marshall Lucas sought out Alexander's advice shortly before her graduation from law school, Alexander told her "marry a

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<sup>385</sup> See New York State Income Tax Resident Return for Pauli Murray (1947) (PM7); United States Individual Income Tax Returns for Pauli Murray (1948–51) (PM7).

<sup>386</sup> See *supra* text accompanying notes 179–81.

<sup>387</sup> Letter from Pauli Murray to Raymond Pace Alexander (Sept. 14, 1951) (PM73); Letter from Raymond Pace Alexander to Pauli Murray (Oct. 5, 1951) (PM73).

<sup>388</sup> See ABEL, *supra* note 20, at 158–62; MURRAY, *supra* note 373, at 272.

<sup>389</sup> See, e.g., Transcript of Interview by Cynthia Fuchs Epstein with Anonymous Interviewee # 1, at 2 (1969) (Data Set on Black Professional Women, assembled by Cynthia Fuchs Epstein) (on file with Murray Research Center, Radcliffe Institute for Advanced Study, Harvard University).

<sup>390</sup> See Alexander, *supra* note 11, at 63–64.

<sup>391</sup> See MURRAY, *supra* note 373, at 366–38.

<sup>392</sup> Letter from Sadie T.M. Alexander to Margaret Rice 1 (Oct. 8, 1945) (STMA6).

black lawyer.”<sup>393</sup> Fifty years later, Lucas recalled: “I thought that was hilarious!”<sup>394</sup> Her advice to Lucas is perhaps less surprising in the context of a letter written several years earlier to an acquaintance, in which Alexander observed, somewhat flippantly, that “anybody can stay in school long enough to get degrees, but everybody cannot get a husband. Therefore, I am much prouder of my title, Mrs. Alexander, than of any degree or professional distinction . . . .”<sup>395</sup> Sadie Alexander thought that the surest route to professional success came about through the intervention of men, both in private and professional life, precisely because that described her own career trajectory.

In fact, she continued to hold onto these beliefs to the end of her life. In the mid-1960s, for instance, she still described her career at the Alexander firm in this manner: “From [the] date of my admission to the Bar in 1927 to 1959 I was *employed* by my husband in *his* law offices . . . .”<sup>396</sup> This was about a decade after she had asserted, vociferously, her right to an equal role in controlling the firm.<sup>397</sup> In a late 1970s interview, Sadie Alexander waxed nostalgic about the early years of her practice, when she took responsibility for household duties (as well as her law practice) and Raymond worked hard to support his family.<sup>398</sup> Second-wave feminism and equal rights were a step back for women, argued Alexander. By giving women and men identical rights within marriage, Pauli Murray’s brand of equality had diluted the obligation of husbands to support their wives.<sup>399</sup> When asked about tensions between her marriage and her professional duties, Alexander remarked, “We didn’t have any at all.”<sup>400</sup> Marriage and practice with her husband were reinforcing relationships. Just as she accepted reciprocal, but differing, obligations in marriage, she accepted them in the office. The firm remained the Raymond Pace Alexander law firm until it closed.

## V

### CONCLUSION: THE IRONIES OF PROFESSIONAL POWER

Sadie Tanner Mossell Alexander was a fierce critic of gender discrimination and believed that women and men should have equal op-

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<sup>393</sup> Jane Cleo Marshall Lucas, *Breaking New Ground with Grace: The University of Michigan’s First Black Woman Law Graduate*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS*, *supra* note 11, at 86, 87.

<sup>394</sup> *Id.*

<sup>395</sup> Letter from Sadie T.M. Alexander to John Caswell Smith (May 12, 1939) (STMA13).

<sup>396</sup> Personal Data Questionnaire, *supra* note 2, at 1 (emphasis added).

<sup>397</sup> See *supra* text accompanying notes 322–27.

<sup>398</sup> See *Interview with Sadie Alexander*, *supra* note 63, at 80–82.

<sup>399</sup> See *id.* at 81–82.

<sup>400</sup> *Id.* at 80.

portunities at the bar, but her definition of equality was mediated by the late-Victorian ethos of her generation. That definition might have seemed strange to Pauli Murray and Jane Lucas, just as it seems strange to us today, but for her it was natural. Liberal, equal-rights feminism would have to wait for another day. Although Alexander shared many of the movement's objectives, she took another route in her quest for equality within the profession. Gender separation at home was the rubric through which Alexander interpreted her professional world and she, along with many African American women lawyers of her generation, was willing to accept a degree of separation and subordination within the profession at the beginnings of her career. For Alexander and her generation, stereotypical women's lawyering roles were not solely the imposition of a male-dominated bar; adoption of such roles carried certain advantages for women who still assumed that they were responsible for household and childrearing duties. It made sense, both in practical and cultural terms, for home and work roles to reinforce one another. Moreover, while the legal profession defined success in masculine terms, as these women knew, success within the profession did not always mean the same thing. As time went on, the skills that they developed in subordinate roles provided entry points to more prestigious positions, as demonstrated by their own careers. In fact, the negotiation and advising skills that they learned in office practice were more in line with the profession's long-term trends than the jury trial work on which many of their black male colleagues thrived. The relationship between gender, power, and domination could change with time, making what was subordinating at one moment liberating at another.

In many ways, the professional lives of Sadie Alexander and her black women lawyer peers were a response to the question posed perhaps most provocatively by Audre Lorde: "Can the master's tools dismantle the master's house?"<sup>401</sup> Can socially subordinated groups contest their subordination using the same social structures and ideologies that define those groups as inferior? With regard to women in the early twentieth-century American legal profession, the conventional answer to this question has been "no." According to the traditional interpretation, the early twentieth-century mainstream bar began to articulate norms of professional advancement that were based on meritocracy rather than status, and a number of women lawyers took the profession at its word. These women lawyers began to define home and work roles for themselves that were identical to

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<sup>401</sup> This is a paraphrase of the question that Audre Lorde answers in *The Master's Tools Will Never Dismantle the Master's House*, in her book *SISTER OUTSIDER: ESSAYS AND SPEECHES* BY AUDRE LORDE 110, 110-11 (1984) ("What does it mean when the tools of a racist patriarchy are used to examine the fruits of that same patriarchy?").

those of men. The "new woman" lawyer was optimistic about her chances of succeeding in the profession on the same terms as her male colleagues. Much of this optimism, however, dissipated in the late 1920s and 1930s, as women lawyers began to run up against roadblocks to their personal and professional aspirations—the prejudices and discrimination of male lawyers that would relegate them to careers at the bottom of the professional hierarchy. According to this interpretation, professionalism was a trap for these women, and women lawyers' experiences at the early twentieth-century bar would be defined largely by discrimination and exclusion. The struggle for gender equality would have to be taken up by succeeding generations of women lawyers.<sup>402</sup>

One of the theses of this Article is that, for the first generation of practicing black women lawyers, Audre Lorde's question should be answered with a qualified "yes." The early twentieth-century American bar, like other professions, exerted a strong disciplinary force on its entrants. Most lawyers, even those who were members of groups against which the profession defined itself, were forced to conduct their professional lives on terms largely dictated by the mainstream bar.<sup>403</sup> Sadie Alexander and her correspondents were no exception. Doubly disabled, they felt the press of discrimination and exclusion even more harshly than their black male or white women peers. Yet, there were gaps within the bar's discriminatory structure, spaces where outsiders could find some room for play, maneuver, and sometimes an ironic power. Discriminatory professional practices may have been pervasive, but such practices did not define everything about the day-to-day life of a lawyer. Alexander and her generation of black women lawyers found places of opportunity in their everyday practice, and used them to step into positions of power within the profession.

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<sup>402</sup> See COTT, *supra* note 24, at 215–39; DRACHMAN, *supra* note 23, at 191–249; HUMMER, *supra* note 24, at 136–37; Babcock, *supra* note 24, at 1702.

<sup>403</sup> The analysis in this Article is related to, but does not directly engage, the literature arguing for and against the proposition that women lawyers may bring a different voice to the profession by reasoning and practicing in a manner distinct from that of their male colleagues. For a sample of this literature, see Cynthia Fuchs Epstein, *Faulty Framework: Consequences of the Difference Model for Women in the Law*, 35 N.Y.L. SCH. L. REV. 309 (1990); Carrie Menkel-Meadow, *Portia in a Different Voice: Speculations on a Women's Lawyering Process*, 1 BERKELEY WOMEN'S L.J. 39 (1985); Margaret Jane Radin, *Reply: Please Be Careful with Cultural Feminism*, 45 STAN. L. REV. 1567 (1993); and Joan C. Williams, *Deconstructing Gender*, 87 MICH. L. REV. 797 (1989). See generally JUDITH G. GREENBERG ET AL., *WOMEN AND THE LAW* 1–57 (2d ed. 1998) (analyzing works in the debate); Susan D. Carle, *Gender in the Construction of the Lawyer's Persona*, 22 HARV. WOMEN'S L.J. 239, 240–46 (1999) (reviewing KATHRYN KISH SKLAR, *FLORENCE KELLEY AND THE NATION'S WORK: THE RISE OF WOMEN'S POLITICAL CULTURE 1830–1900* (1995)) (same). Rather than address the proposition that women may bring a different voice to the profession, this Article addresses, among other things, the question of whether the profession leaves any room for women lawyers to articulate their own voices—whether those voices be different from or similar to those of their male colleagues.

While they could never escape the race- and gender-based ideologies that helped define their place at home and at work, many of them managed to carve out careers that must have surprised their male colleagues, although certainly not themselves.